

**CONFIDENTIAL.**

(5624.)

**PART XVI.**

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**F.O.  
403**

**FURTHER CORRESPONDENCE**

**RESPECTING THE**

**AFFAIRS OF NORTH AFRICA.**

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**61**

**January to March 1888.**

F.O. 403/61

ALLY WITHOUT PERMISSION OF THE  
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CONFIDENTIAL.

Further Correspondence respecting the Affairs of North Africa.

PART XVI.

No. 1.

*Sir W. K. Green to the Marquis of Salisbury.—(Received January 2, 1888.)*

(No. 146. Confidential.)

My Lord,

*Tangier, December 23, 1887.*

I HAVE the honour to report, for your Lordship's information, that Baron Whetnall, the Belgian Minister Resident here, left this yesterday for the Moorish Court at Mequinez.

Though Baron Whetnall has been for several years the Belgian Representative in Morocco, he has not been before to the Sherceefian Court. He is now conveying with him some presents from his Government to the Sultan, as well as a complete section (1 kilom. in length) of a small portable railway, inclusive of an engine, tender, and a saloon State carriage, the gift of a large Belgian manufacturing house which hopes to induce in this manner Mulai Hassan to understand the value of railway communications, with the further advantage of obtaining the requisite materials from Belgium.

Baron Whetnall informed me some time before his departure that he had been led to believe that pressure had been used from French quarters to induce the Sultan to refuse to allow the railway to be laid, on the ground that it was a trumpety affair, and could not equal a present of a similar nature which was being prepared for His Sherceefian Majesty in France.

As I felt sure that Mulai Hassan's refusal to allow the Belgian Representative to exhibit properly the railway and train would considerably injure the Sultan in the estimation of the public abroad, I promised Baron Whetnall to have this fact pointed out to His Majesty and I induced Señor Diosdado to share this view, so that I have reason to hope that Mulai Hassan will avoid the mistake of publishing himself as an uncompromising opponent of modern inventions and improvements. I have also been glad to learn that Baron Whetnall received formal assurances from M. Féraud, just before he was starting, that the French Government was in no way opposed to the Belgian endeavours to bring within the Sultan's comprehension the advantages of railway communications.

On the other hand, I fear no great expectations need be entertained of a favourable impression being produced upon the Sultan; but should he be led to accept and act on the lesson which has been prepared for him, it is needless to point out that in such case British manufacturers would probably come in for a very considerable share of the advantages resulting from the idea and venture of the Belgian manufacturer.

I have, &c.

(Signed) W. KIRBY GREEN.

*Sir W. K. Green to the Marquis of Salisbury.—(Received January 2, 1888.)*

(No. 147. Confidential.)

My Lord,

*Tangier, December 26, 1887.*

I HAVE been informed by my French, Italian, and Portuguese colleagues that they have received telegraphic instructions from their respective Governments to draw up Reports with the least possible delay on the manner in which they consider the Madrid Convention of 1880 regarding the foreign protection of natives may be advantageously modified, as a new Conference will be assembled at Madrid in the first days of January.

I have been happy to find that M. Féraud purposes recommending the French Government to adopt very radical measures for the suppression of the abuses which have been allowed to be established in the matter of French protection of Moorish subjects, especially in the direction of the Jews of Maroccan nationality, who become naturalized French subjects in Algeria, and then return to Morocco and enjoy all the rights of French citizenship.

I suggested to M. Féraud, should he be successful in inducing his Government to adopt his views on this particular point of the irregular nature of foreign protection in this country, that it would be of much advantage on all sides, and greatly facilitate the work of the proposed Conference, if the French Government would proclaim beforehand that it intended to apply in Morocco the usual international practice of not claiming to protect in Morocco natives of the country who had obtained papers of naturalization in France or Algeria.

It is a matter of some surprise to me and my colleagues that though the impression appears to exist at Madrid that the Conference can be assembled in the ensuing month of January, still we have not been able to ascertain that the Shereefian Government has taken the slightest steps for being represented at it.

No instructions have as yet reached me from your Lordship to forward to your Lordship a report on the modifications which may be introduced in the foreign protection of natives of Morocco.

I have, &c.

(Signed) W. KIRBY GREEN.

### No. 3.

*Sir W. White to the Marquis of Salisbury.—(Received January 2, 1888.)*

(No. 360. Very Confidential.)

My Lord,

*Constantinople, December 26, 1887.*

THE Sublime Porte has all along denied the assertion coming from the Italian Consul at Tripoli, and confirmed by certain statements alleged to have been made at a meeting of the French Geographical Society, and according to which some "pourparlers" or negotiations were going on with regard to a rectification of the frontier between Tunis and Tripoli.

This denial applied, I am assured, to a proposal said to have been made by France to Turkey, and of which M. Flourens spoke to Mr. Egerton, as reported by the latter to your Lordship in his despatch No. 520 of the 7th December.

Having obtained very confidentially a copy of a telegram sent on this question by Said Pasha to the Ottoman Ambassador at Rome, I beg to inclose a copy of it, with the request that it may be considered as secret.

I have, &c.

(Signed) W. A. WHITE.

Inclosure in No. 3.

*Said Pasha to Photiades Pasha.*

(Télégraphique.)

*Constantinople, le 24 Décembre, 1887.*

LE Premier Drogman de l'Ambassade d'Italie est venu me déclarer au nom du Baron Blanc que la France aurait, il y a quelque temps, proposé au Gouvernement

Impérial de fixer la ligne de démarcation entre la Tripolitaine et la Tunisie à la Rivière Moutaya, mais que la Sublime Porte n'ayant fait aucune réponse ni aucune objection, la dite ligne a été reportée, dans la Carte de l'Etat-Major Français, jusqu'à la rivière susmentionnée.

J'ai répondu à M. Vernoni que jamais pareille proposition n'avait été faite au Gouvernement Impérial et qu'il était autorisé à donner à cette nouvelle le démenti le plus formel et le plus catégorique.

Votre Excellence voudra bien, le cas échéant, tenir le même langage à M. Crispi.

### No. 4.

*Consul-General Hay to the Marquis of Salisbury.—(Received January 2, 1888.)*

(No. 2.)

My Lord,

*Tripoli, December 26, 1887.*

WITH reference to the incident referred to in the Memorandum communicated by M. Catalani, copy of which was transmitted to me in Sir Philip Currie's despatch No. 2 of the 13th instant,\* I have the honour to inform your Lordship that little importance is attached by the Local Government to the occurrence, which was not so serious as my Italian colleague had been led to believe. The attack was made by a body of horsemen of the Tunisian marauding tribe "Werghama" on a small caravan on Tripoli territory conveying provisions to the Turkish military post of Nulut, escorted by seven Turkish soldiers. The Werghama were repulsed with upwards of twenty killed and wounded; one Turkish soldier only being killed and none wounded. The provisions were not plundered. The Local Government believe that the lesson received by the Werghama on this occasion will have a salutary effect.

I have, &c.

(Signed) F. B. DRUMMOND HAY.

### No. 5.

*Sir J. Savile to the Marquis of Salisbury.—(Received January 2, 1888.)*

(No. 306. Ext. 62.)

My Lord,

*Rome, December 30, 1887.*

I HAVE this day reported, by telegraph, that I have explained to the Italian Minister for Foreign Affairs the views of your Lordship, set forth in the last paragraph of Sir Kirby Green's Confidential despatch No. 144 of the 24th November, as to the only means of preventing Morocco from being acquired by her neighbours in the event of the death of the reigning Sultan.

In these views Signor Crispi concurs entirely, but his Excellency is afraid that their realization will be found difficult.

I have, &c.

(Signed) J. SAVILE.

### No. 6.

*Sir W. K. Green to the Marquis of Salisbury.—(Received January 3, 1888.)*

(No. 148. Confidential.)

My Lord,

*Tangier, December 27, 1887.*

SEÑOR DIOSDADO called on me this afternoon and told me that he and M. Féraud had this morning come to a perfect agreement as to the alterations which they considered they could submit to their respective Governments as fit and practical to be carried out in the Madrid Convention of 1880 by the Conference which would assemble shortly on the invitation of the Spanish Government.

As Señor Diosdado was unable to explain without reference the precise terms of the agreement he had come to with the French Representative, he invited me to accompany him to the Spanish Legation, where he would read to me the notes of the agreement drawn up by M. Féraud and himself, and allow me to write them down from his dictation.

\* Not printed.



I have the honour to submit herewith, for your Lordship's information, a copy of the notes thus obtained by me.

My Spanish colleague said he hoped I too would be able to support the proposed modifications of the existing Convention, for, in that case, the work of the coming Conference would not only be simplified, but almost half accomplished.

I replied that the changes proposed appeared to me so small, that I could not but agree to admit that they were unobjectionable, with, perhaps, the one exception of Article X, by which a sort of inquisitorial control of commercial transactions is established. I explained that such a control was not likely to be submitted to by British merchants. Probably an equally efficacious but less objectionable means might be devised; therefore I still felt that I could remain in accord with Señor Diosdado and M. Féraud.

I added, however, to Señor Diosdado that I did not think that, if the proposed modifications were all that the Conference would accomplish, the Sultan would be altogether contented with its results.

I also must admit to your Lordship that if there is to be no other outcome than that now indicated by my Spanish and French colleagues, I too will feel that there has been much ado about nothing in this matter of abolishing the evil of foreign protection of natives in Morocco, for hardly a door will have been thoroughly closed to the byeways which have been found so numerous for evading the stipulations of the existing Convention of 1880.

In fact, so little will be accomplished if the modifications now suggested are the only ones adopted, that I am inclined to look with suspicion on the accord of views which has so suddenly again sprung up between the French and Spanish Ministers in this country. Señor Diosdado and M. Féraud evidently have not been moved by the desire to remove in a radical manner from before the Sultan the obstacles which His Sherrefian Majesty declares prevent his adopting a policy which would increase the intercourse of Morocco with the outer world. An engagement had lately existed between the French and Spanish Governments that they should march hand-in-hand in all matters connected with this country. That engagement had momentarily been departed from, and now it has, it seems to me, been reverted to in a way that will render it perhaps impossible for any step to be taken at the Conference for inducing the Sherrefian Government to adopt an enlightened course, or which might further augment British trade in Morocco, a trade which exceeds greatly the commercial interests of all other countries put together, and which has always proved a great stumbling-block to French encroachments and to the asserted inherent rights of Spain over Morocco.

The impression, therefore, left on my mind by this unlooked-for working together of my Spanish and French colleagues, is that they have thought more of impeding expected practical action on the part of Her Majesty's Representative at the Madrid Conference than of acting in a very fair manner towards the Sultan.

I do not here trouble your Lordship with my views on the question of foreign protection of natives in Morocco, as I will probably shortly receive your Lordship's instructions to furnish a Report on the subject in a definite form.

I have, &c.

(Signed) W. KIRBY GREEN.

#### Inclosure in No. 6.

#### *Suggestions of French and Spanish Ministers as to Modifications to be introduced into the Madrid Convention.*

ARTICLE I<sup>er</sup>. Nous entendons que la protection ne doit pas exempter les protégés de la juridiction Marocaine, car ce droit serait contraire à un autre antérieur et inaliénable de souveraineté. Et du reste, les Traités entre le Gouvernement Marocain et les Puissances, ainsi que les Traités mentionnés dans cet Article I<sup>er</sup>, ne stipulent pas que la protection soustrait les protégés à la juridiction de leur pays d'origine.

Art. II. Maintenu.

Art. III. Maintenu, pourvu qu'on prévienne l'Agent Consulaire en cas de poursuite.

Art. IV. Pourvu qu'il soit autorisé par le Sultan. Dans cet Article, comme dans les Articles précédents, il est entendu que les employés qui relèvent de l'Agent Consulaire ne pourront être poursuivis qu'après en avoir averti l'Agent.

Arts. V, VI, VII, VIII, et IX.—Maintenu dans le sens indiqué dans l'Article I<sup>er</sup>.

Art. X. Le censal n'est protégé que dans le sens de la protection donnée à ceux qui relèvent du service d'une Mission étrangère ou d'un Consulat ou des sujets étrangers. Le censal est l'agent d'une maison de commerce établie au Maroc, et qui ne fait pas de commerce, pour son propre compte, mais bien pour la maison qui l'accrédite. Donc il est protégé à raison de la protection dont jouit la marchandise étrangère qu'il a en dépôt. Dans ces conditions nul ne sera censal s'il n'ouvre un registre quoté et paraffé par le Consulat de la nation d'un négociant étranger, sur lequel il enregistra les marchandises à lui consignées et leurs ventes à fur et à mesure. Ce registre pourra être réclamé à toute injonction par le Consul afin d'en vérifier la tenue exacte. Le dit Consul pourra également exiger la production des connaissements d'envoi des marchandises d'Europe, et les reçus de la Douane indiquant le paiement d'entrée ou de sortie, en cas d'exportation de marchandises. Le dit registre aura en outre l'avantage de servir pour le règlement des créances contre les débiteurs de mauvaise foi.

Art. XI. Maintenu.

Art. XII. Maintenu, sauf les observations suivantes:—

En raison de nombreux abus qui se sont produits dans ces questions de locations de terre, culture et élevage de bestiaux, il convient de prendre des mesures pour les empêcher à l'avenir. Aucune location, aucune association ne sera valable si l'Acte qui l'établit n'est rédigé dans le bureau d'un Consul ou d'un Agent Consulaire, s'assurant des apports de chacun des associés.

En outre, l'Acte sera confirmé par-devant le Cadi ou l'autorité locale.

Toute Convention entre un Européen et un sujet indigène qui n'aura pas été soumise à cette formalité sera désormais sans valeur devant la justice, dont les deux parties contractantes relèvent.

Arts. XIII et XIV. Maintenu.

Art. XV. Suppression de l'Article sur la demande du Sultan qui veut disposer de la plénitude de ses droits sur ses sujets quels qu'ils soient. Tout sujet Marocain naturalisé à l'étranger sera libre de jouir à son gré de sa naturalisation autre part qu'au Maroc, mais en remettant le pied dans le Maroc il redeviendra sujet Marocain et soumis exclusivement à l'autorité Marocaine, à moins que le Sultan n'autorise cette naturalisation avec les droits qui en découlent par une lettre patente.

Art. 16. Conserver le principe de la suppression, mais introduire le chiffre réduit et nominatif des personnes qui, en raison des services rendus, pourront obtenir non la protection mais la naturalisation, comme récompense, et il serait nécessaire, pour éviter les abus à venir, que la désignation définitive soit faite d'accord avec les Plénipotentiaires Marocains dans le cours de la nouvelle Conférence.

#### No. 7.

*Consul Sandwith to the Marquis of Salisbury.—(Received January 3, 1888.)*

(No. 18. Confidential.)

My Lord,

Tunis, December 28, 1887.

I HAVE the honour to acknowledge the receipt of Sir V. Lister's despatch No. 4, marked Confidential, inclosing copy of a despatch to Sir J. Savile, on the encroachments alleged to be making by the French authorities in Tunis on the Tripolitan frontier.

In my despatch No. 6 of the 25th August, I stated that the General commanding the Brigade of Occupation in Tunis had gone to France to consult the authorities about a project for defining the boundary-line between Tunis and Tripoli. Nothing of importance on this subject has transpired since then, but I now hear that a small detachment of French troops, accompanied by some officers and men of the Engineers, have latterly proceeded to the south of the Regency. I have written to Mr. Vice-Consul Galea, who is now at Sfax, to request him to give me the earliest information as to the movements of the French troops in the south. There are all sorts of rumours afloat on the subject, but none which I can report as trustworthy.

As I had the honour to point out in my Report, dated the 7th November, on the Tunisian Budget for the current year, the sum of 25,000*l.* figures there for the expenses of the installation of military posts in the south, from which it is evident that the French contemplated the establishment of new military posts.

I have, &c.

(Signed) THOMAS B. SANDWITH.

*The Marquis of Salisbury to Sir E. Malet.*

(No. 6.)

Sir,

*Foreign Office, January 3, 1887.*

THE German Chargé d'Affaires at this Court, when calling at the Foreign Office to-day, made the following verbal communication:—

Baron von Plessen stated that the Spanish Minister in Berlin had communicated to the German Government a despatch addressed to him by Señor Moret, inviting the German Government to take part in a Conference to be held in Madrid in the present month for the settlement of the question of protection in Morocco.

Señor Moret, Baron von Plessen went on to say, had further expressed the wish that the Representatives of the Powers in Tangier should elaborate for their respective Governments a *pro memoria* showing the present extension of protection in Morocco, the abuses to which the system has led, the restrictions that might be adopted, and eventually what might be substituted for the right in question.

Baron von Plessen added that the German Representative in Tangier has been instructed accordingly, and has, at the same time, been requested to enter, for this purpose, into communication with the Representatives of the Powers with whom Germany has acted, and to undertake the task in concert with them.

Baron von Plessen was informed that similar instructions as to the preparation of a Report had been sent to Sir W. K. Green.

I am, &c.  
(Signed) SALISBURY.

No. 9.

*Foreign Office to Aborigines Protection Society.*

Sir,

*Foreign Office, January 5, 1888.*

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 28th ultimo, transmitting a Memorandum on the subject of Consular protection in Morocco, which will receive due consideration.

I am, &c.  
(Signed) P. CURRIE.

No. 10.

*Admiralty to Foreign Office.—(Received January 6.)*

Sir,

*Admiralty, January 3, 1888.*

WITH reference to your letter of the 26th December, respecting the statement in the "Mediterranean Pilot," edition 1885, about the Island of Peregil, I am commanded by my Lords Commissioners of the Admiralty to request that you will state to the Marquis of Salisbury that this statement—"This island, Peregil, belonging to Spain, is a dependency of the Government of Ceuta. In 1746 a plan was made of it, with the view of fortifying it and converting it into a Presidency"—is almost a literal translation of a paragraph in the Spanish Directions published by the Hydrographic Office in Madrid in 1860, and first appeared in the "Mediterranean Pilot" in 1873.

The paragraph continues to appear in the latest edition of the Spanish Directions published in 1883: see "Derrotero General del Mediterraneo," tomo 1, p. 143, Madrid, 1883.

I am, &c.  
(Signed) EVAN MACGREGOR.

*The Marquis of Salisbury to Sir W. K. Green.*

(No. 1. Confidential.)

Sir,

*Foreign Office, January 6, 1888.*

I HAVE received your despatch No. 147, Confidential, of the 26th ultimo, in which you inform me that your French, Italian, and Portuguese colleagues have received instructions to draw up Reports on the manner in which they consider that the Madrid Convention of 1880 in regard to the foreign protection of natives in Morocco may be modified.

I have to convey to you my approval of the language which you held to the French Minister, as reported in your despatch.

I am, &c.  
(Signed) SALISBURY.

No. 12.

*The Marquis of Salisbury to M. Catalani.*

(Confidential.)

M. le Chargé d'Affaires.

*Foreign Office, January 6, 1888.*

WITH reference to the communications which have passed between us upon the subject of the state of affairs on the frontier of Tripoli and Tunis, I have the honour to transmit to you herewith, for the information of your Government, a copy of a despatch from Her Majesty's Consul-General in Tripoli, reporting on the subject of the recent incident connected with the Werghama tribes.\*

I have, &c.  
(Signed) SALISBURY.

No. 13.

*The Marquis of Salisbury to M. Catalani.*

M. le Chargé d'Affaires.

*Foreign Office, January 7, 1888.*

I HAVE the honour to transmit to you herewith a Memorandum of information received from Her Majesty's Consul-General in Tripoli respecting an attack by some of the "Werghama" tribe upon a caravan in Tripoli territory, to which case you called my attention on the 6th December last.†

I have, &c.  
(Signed) SALISBURY.

No. 14.

*The Earl of Lytton to the Marquis of Salisbury.—(Received January 9, 11 p.m.)*

(No. 1.)

(Telegraphic.)

*Paris, January 9, 1888, 5.5 p.m.*

MONTEBELLO reports that English Ambassador has addressed note to Porte calling attention to French encroachments on Tripolitan frontier.

French Minister for Foreign Affairs denies alleged facts, and attributes misconception to arrangements between local French and Turkish authorities for compulsory return to Tunis of tribes which took refuge in Tripoli during French occupation.

He asks me to assure you at once that France has faithfully observed her understanding with Turkey to respect *status quo* pending settlement of disputed frontier between Tunis and Tripoli.

Sir W. K. Green to the Marquis of Salisbury (Received January 11, 1888)

(No. 149. Ext. 27.)

My Lord,

Tangier, December 30, 1887.

OWING to a temporary interruption of the submarine telegraph cable, I was unable to reply immediately to your Lordship's telegraphic inquiries of the 28th instant as to whether my colleagues had also received instructions to prepare at once their Reports on the question of foreign protection of Moorish subjects.

I have now the honour to inform your Lordship that the Spanish, French, Italian, and Portuguese Representatives have received from their respective Governments a number of instructions to those forwarded to me by your Lordship, and that the German, Austro-Hungarian, Swedish, and United States' Representatives are still without such instructions.

The Austrian Chargé d'Affaires and the United States' Consul believe that, having furnished their Governments with very full Reports on protection during the past summer, it is possible they may not now be called upon to express anew their views on the subject.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 16

Sir W. K. Green to the Marquis of Salisbury.—(Received January 11, 1888.)

(No. 150. Confidential)

My Lord,

Tangier, December 30, 1887.

THIS afternoon called on Señor Diosdado in order to repeat to him anew my belief that, though I had nothing to object to the principles laid down in his and M. Fernand's proposed modifications in the Madrid Convention of the 3rd July, 1880, communicated by me to your Lordship in my despatch No. 148, Confidential, of the 27th instant, still I felt convinced that, if the modifications did not assume a more definite form they would prove a great disappointment to the Sultan. I pointed out to my Spanish colleague that this would unavoidably be the result, as I knew that the Sultan and his Ministers merely wished to rid themselves of the restraints placed on their arbitrary proceedings by the Madrid Convention, and as great expectations had been raised in the Sultan's mind through many of the foreign Representatives having already admitted the necessity of a revision of that Convention.

I also explained to Señor Diosdado that I could not but regret the disappointment of Mulai Hassan's expectations for all hope of His Serene Majesty's spontaneous action in the matter of facilitating commercial intercourse with Morocco would have to be abandoned.

My Spanish colleague replied to me that he must confess that he did not attach as much importance to the realization or not of the Sultan's expectations as to the fact of having in quite an unlooked-for manner come to a satisfactory agreement with the French Minister on the limitation of foreign protection in this country. Señor Diosdado added it was folly for Spaniards to dream of having important commercial relations with a country which, from geographical and climatic causes offered exactly the same products as Spain. All Spanish interests with Morocco are political, and not commercial.

To this I answered that the separation of commercial from political interests was not an easy one, at all events for the English Government. That in fact, Her Majesty's Government are of opinion that the safety of the Moorish Empire depends upon its pursuing an enlightened policy in its intercourse with the outer world.

Señor Diosdado hereupon admitted that the Sultan must abandon his impracticable attempt to envelop his country in the darkest seclusion, and added that, as soon as the question of protection has been settled the Spanish Government will be ready to join all other Governments in letting Mulai Hassan understand in a definite manner that his complaints about the abuses of protection having been redressed once for all, no further delays will be accorded him for taking measures to bring his country to a workable level.

To my inquiries about the length to which Señor Diosdado considered the revised Convention could be used for limiting protections such as those of the Sherref of

Wazan and others by France, my Spanish colleague expressed himself as persuaded that the revised wording of Article XVI would not only prevent future abuses, but it would even oblige the French Government to abandon its present protection of the Sherref of Wazan.

I expressed incredulity as to this being attained, but Señor Diosdado said, not only would he most strongly recommend the Moorish Plenipotentiary who would be sent to the Conference to demand that the Sherref should revert to Maroccan jurisdiction, but that he considered that all the Governments, such as those of Spain and England, who had protested against the proceeding when the Sherref of Wazan was taken under French protection would be bound to follow up their protests by now supporting the demand of the Moorish Plenipotentiary.

On this matter, which it discussed at all will have to be treated at Madrid, perhaps my opinion may not be of much value, still I venture to express to your Lordship the belief that the question hardly deserves the importance attached to it by my Spanish colleague, for it is quite possible that the raising of it would wreck the understanding now come to between Señor Diosdado and M. F.raud, and draw upon all those taking part in it the ill-will of France.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 17.

Sir W. K. Green to the Marquis of Salisbury.—(Received January 11, 1888.)

(No. 151. Confidential)

My Lord,

Tangier, December 30, 1887.

IN accordance with your Lordship's telegraphic instructions of the 28th instant, I have the honour to submit, for your Lordship's consideration, the following observations which have occurred to me on the question of the right of foreign protection of Moorish subjects under the Madrid Convention of the 3rd July, 1880 to what abuses it has given rise, what limits might be assigned to it, or what system might take its place.

The right of protecting Moorish subjects has been exercised to the fullest extent by all foreign Governments and foreigners having interests in Morocco.

Not only have they availed themselves of this right to the utmost limits admitted by the Madrid Convention, but in many instances these limits have been considerably exceeded.

It is not necessary for me to here specify who are those who have overstepped the bounds fixed by the Convention, especially as many who were at first opposed to infringing former stipulations found themselves, in the end, obliged to accept also privileges which the Moorish Government was not strong enough to refuse when once usurped.

The chief abuses practised have been

Protection of two Moorish subjects as brokers not only at one, but in many cases, at every one of the ports of Morocco, and even in the towns of the interior by foreigners who are not bona fide merchants, these foreigners in no few instances making a living by receiving yearly payments from the Moorish subjects for whom they have obtained the protection of their nationality on the plea that the said Moors are their brokers.

The privilege of appointing brokers by persons having no residence or fixed commercial establishment in Morocco, but claiming to be merchants in other countries doing business with Morocco.

Total disregard by Consular officers of the limit placed on the protection by them of native servants by Article III of the Convention. Subordinate members of Legations equally exercise an unlimited protection of natives said to be attached to their service.

No attention paid to the limitations imposed by Article VI on the members composing the "family" of a protected Moorish subject.

Claiming for Moorish subjects simply in the position, or asserted to be in the position, described in the last paragraph of Article IX of the Madrid Convention of 1880, the same privileges as those accorded to brokers.

No limitation placed to the number of Moorish subjects which a foreigner may thus, under Article IX, bring within his shelter.

Failure of observance through apparent inaction or supineness of the Moorish



The stipulations concerning Maroquine subjects naturalized abroad in Article XV have been entirely disregarded. Great numbers of Moorish Jews obtain, under very easy terms, naturalization in Algeria, Portugal, the United States, or Brazil, and when they return to their native country the Moorish authorities apparently tacitly acquiesce in their retention of all the advantages of their newly acquired nationality.

In one or two instances a very wide interpretation has been given to Article XIII of the Madrid Convention, whereby floors occupying a political position in this country have passed under the protection of a foreign Government.

The foregoing are some of the principal abuses which have arisen from the side of foreigners under the Madrid Convention of 1880. But the Moorish Government, though it can lay a longer list of lapses and encroachments against foreigners, cannot claim to have itself faithfully fulfilled all the engagements of the Convention.

The Moorish Government has only allowed Article XI, granting to foreigners the right to hold property in Morocco, to be partially observed at Tangier. In all other parts of the Empire the Moorish authorities not only persistently refuse to give the requisite consent legalizing a purchase of real property by a foreigner, but they furthermore prohibit Marroquaine masons, carpenters, and other artisans, under pain of imprisonment and fine, from effecting any building operations on behalf of foreigners.

The observance of Article XIV which prohibits intervention by unauthorized persons in matters under the jurisdiction of the local authorities is rendered impossible through the preference of those authorities for irregular to regular proceedings.

Many of the abuses which are committed under the shelter of the Convention could be checked if they were not encouraged and prompted by the Moorish local authorities themselves. A Bashia or other native official frequently avoids carrying out orders reaching him from head-quarters by alleging inability to execute them through the impediment of foreign protection, in such instances probably called into existence by himself. Similarly, a Moorish official often alleges, for the purpose of retaining the larger share for himself, that the smallness of his remittances on account of the taxes of his district is due to the number of foreigners and foreign-protected subjects engaged in agricultural pursuits.

Cases occur when one foreign authority bringing a charge or claim against a Moroccan subject, the Moroccan authority, in order to avoid the responsibility of proceeding against the defendant passes him off, through the connivance of another foreign authority as a protected subject of the last-named authority.

The limits that might be assigned to the foreign protection of natives are very fairly defined in the Madrid Convention of 1880, if that Convention was strictly and faithfully observed. No inherent defects in the Convention have been at the bottom of the abuses which have arisen. The failure of the application of the Convention has solely arisen from the fact that there is really nothing in Morocco approaching to the administrative machinery of a regularly organized Government, with the one notable exception of the Custom-house Administration. This exception owes its existence to fortuitous circumstances. A war indemnity had to be paid to Spain, and for this purpose half the revenues of the Customs were assigned to Spain for a portion of the indemnity, whilst the other half was pledged as security for the interest and sinking fund of the Moorish Loan raised in England in 1862 in order to enable the Moorish Government to pay Spain that part of the war indemnity which was required immediately. The presence of Spanish and English Controllers at the custom-houses obliged the Moorish Government to adopt a proper system of collection of duties at all the ports, with the result that the indemnities were paid off without any appreciable falling-off in the sums which the Sultan had been in the habit of receiving before the war as the whole of his Customs revenues. The new system has been continued after the fulfilment of the Moorish obligations, for even the Sherrefian Government admitted the value of the lesson which it had learnt by experience.

If proper Law Courts existed; if the taxes which the Moorish Government will exact were a known quantity, if property was secure from the grasp of the officials or from confiscation by the Sultan, the natives themselves would render a settlement of the protection question unnecessary, for they would decline to place themselves, especially if they happened to be Muslims, under alien and Christian control.

I have already had the honour of submitting to your Lordship the draft in question in my despatch No. 148, Confidential, of the 27th instant, but to avoid the necessity of reference I venture to accompany this Report with a further copy of the draft.

The Madrid Convention of 1888, being considered by me as a fair imitation of the foreign protection of natives, if justly applied, I necessarily look upon the modifications which my French and Spanish colleagues now propose, to introduce into it as even more favourable for the Moorish Government (though the Moorish Government itself is sure to be dissatisfied with the modifications) provided an expectation could be entertained that it would be properly observed.

As long as an administrative organization is absent in this country I am firmly convinced no arrangement in the nature of the Madrid Convention will be found of any permanent or practical use.

The Sultan will quickly discover that the dogma laid down in Article I of the proposed new Convention that his sovereign right is prevent foreign protected natives of Morocco from being withdrawn from the jurisdiction of the country of their birth is, in practice, a mere juggle of words. And so on with all the modifications. Many of the modifications, if adopted in principle by the coming Conference, will have to be remodelled in order to bring them within the laws of some of the contracting countries. As, for instance, in Article X, the inquisitorial control of the Consular Courts, authorities over the current commercial transactions of a merchant, and in Article XVI the necessity of transforming Moroccan subjects who have been definitely accorded foreign protection into naturalized subjects of the country which has placed them under its protection, are modifications which, I believe, could not be applied in their present proposed form according to British laws.

Under all these circumstances, I am inclined to think that the fair limitation of the foreign protection of natives in Morocco is unattainable.

The system which I should favour would be the entire abolition of protection of natives engaged in the service of foreigners for the purposes of commerce, agriculture, &c. I would maintain the protection of all natives employed by the Diplomatic Representatives, and fix the number of the natives entitled to protection from being in the service of Consular officers.

But this abolition could not be safely effected by a simple declaration that Her Majesty's Government had determined on not exercising on behalf of British subjects the privilege of protecting Moors connected with their business transactions. The abandonment of the privilege would have to be accompanied by a formal Declaration that Her Majesty's Government would require as a exact strict and prompt justice at the hands of all Moorish authorities for every attempt to unduly interfere with the free and legal proceedings, commercial, agricultural, or otherwise, of British subjects. A Declaration would also have to be made that Her Majesty's Government would have to keep an eye on those Moorish subjects who had formerly been under its protection, in order to check the remotest attempt that might be made by a Moorish authority to revenge itself on the person of a late protected subject solely for having been so protected.

These at first sight appear serious obligations to be undertaken by a foreign Government, but I feel sure that there would be few occasions for exercising them. The Moorish Government was not known to interfere with the commercial and other similar transactions of British subjects in this country when the French Arrangement of 1843 was launched. By observing an arrangement I came to with Sir John Drummond Hay that no authority of a district in the interior could seize upon a Moorish subject known to be intrusted with the interests of a British subject except for the purpose of having him sent to the place where the Moor's employer resided, there to be tried by the Basha of the locality. The necessity of arresting and deporting a man seemed hardly ever to arise. Maroccan provincial authorities have no connection with the authorities even of adjoining districts, and through the mere fact of transferring a man whom they would like to dispossess to another district they immediately lose all hold or advantage over him. Rather than do this it was found that they almost always elected to leave the agents of British merchants in peace and quietness, especially as the authorities also knew that they would be severely punished by the Sultan if their action could not in the end be justified.

The feeling that the system of protection is so full of abuses and crooked ways that

it may well be abandoned in not mine alone, but that also of nearly all the honorable British merchants established in this country. They are prepared to dispense with the privilege of bestowing protection on the natives at the protection of Her Majesty's Government is to be concentrated for their own benefit. They are sick and tired of finding themselves thwarted at every turn by the Moorish Government, on the plea that the Sultan, to remain master of his own country, must curtail his intercourse with foreigners. As the most wealthy, numerous, and enterprising foreigners are Englishmen, the whole of the Sherrefian policy seems thus directed against British interests.

By the foregoing observations I have endeavored to point out that foreign protection of Moorish subjects would be sufficiently limited if the Madrid Convention of 1880 was fairly observed by all the countries having Diplomatic or Consular Representatives in Morocco, and if the Moorish Government was capable of acting as a properly organized governmental Administration, that the modification of the Convention proposed by my French and Spanish colleagues would simplify the protective influences to be exercised by the Diplomatic and Consular Representatives, though they would still only do so provided the Moorish Government reformed itself. But that as the Sherrefian mode of governing was not likely to be revised, the best way of getting rid of the abuses and difficulties of foreign protection of natives would be to refuse to exercise the rights of such protection, and to revert to the original mode of intercourse with Morocco, which was based on a rigid enforcement of the Treaty stipulations of 1806 existing between Great Britain and Morocco.

Yet, though I am disposed to give up privileges which are being transformed into a den of right of obstruction, I am still of opinion that, before casting them altogether adrift, an endeavour should be made to see how far the separation from them can be used to lead the Moorish Government into making concessions which would doubtless prove advantageous to it as for ourselves—a fact, however, which appears to be quite beyond the comprehension of the Sultan and his Ministers.

The point that should be chiefly tried for besides the conclusion of a liberal Commercial Convention, ought to be establishment of Mixed Tribunals for the trial of civil suits between foreigners and Moorish subjects. These Courts should exist at Tangier, Dar el Baida (Casablanca), and Mequinez, the three ports of the Empire where the elements for the constitution of Mixed Tribunals are already at hand.

Mixed Tribunals would prove the ruin of the wage, whereby Moorish authorities would learn the meaning of the word justice. They would quickly perceive the hold it would give them over their own people and the advantage of having fixed fees instead of depending on the largess of the litigants, thus having recourse to corruption. It would be the second great success scored by adopting a European form of administration, and would perhaps, at last open the door for a general reform in all the branches of the Government structure.

I will not lengthen this Report by an attempt to depict the immunities and horrors which exist and are perpetrated in the name of the Sultan and justice. If I did make the attempt I should probably fail to convey a proper idea of what daily passes in the Courts of the Bashas, Kads, and other officials, or be considered a sensational romancer. The rush for foreign protection by the highest as well as by the lowest in this land is, however, sufficient proof that something radically wrong does exist.

I will merely conclude my Report by giving the following extracts from a confidential letter to me from an Englishman of most noble and honorable character who, perhaps, has the best and most frequent opportunities of any foreigner in Morocco for observing how the Moors are governed, to show that, though I am for the abolition of protection, a word can still be said in favour of its maintenance:—

“(Most Confidential)”

“I should be awfully sorry to see protection done away with. I consider it one of the principal roads for opening up the country to commerce and justice, and the only check the Kads and Governors have to prevent them paying the mischief as with the present corrupt state of the Court, Kads and Governors can, by paying cash, do whatsoever they will with whomsoever they will. They seldom, however, dare touch a protected subject. If I was a Diplomatic Representative here I should do all I could to encourage protection, because besides giving the nation which protects a great deal of influence and power, protection is a capital advertisement for the trade of the country practising it. It is the only way of making the Sultan and his Government fully understand their own bad policy. The Europeans who are in the country are not all gentlemen, so that most of the Moors who get protection have to pay pretty high for the privilege, therefore if His Sherrefian Majesty only would show that he would

get fair play and common justice, not a Moor would seek protection, as they are all fanatical, and getting protection from a Christian knocks the froth off their fanaticism. At present the cream of the Sultan's people are all protected, and if protection were done away with to-morrow, I believe these men would leave the country by going over the French frontiers or to Mecca. The Sultan and his Court may make what promises they like, not a protected nor any other Moor will believe them.

“There are a great many arguments to be used I know, on the other side, but until the Sultan improves his Government they all remain in the darkest shade. Of course only men of good character should be allowed protection. The Sultan and all his Government should be made to understand clearly that protection only means safety for the protected man's person and property, but may not serve as an excuse for exempting him from the payment of legal taxes or for screening him from the consequences of crime. In one word, all protected Moors should be ruled with a rod of iron.”

I have, &c  
(Signed) W. KIRBY GREEN

#### Inclosure in No. 17

*Suggestions of the French and Spanish Ministers as to Modifications to be introduced into the Madrid Convention.*

ARTICLE I<sup>er</sup> Nous entendons que la protection ne doit pas exempter les protégés de la juridiction Marocaine, car ce droit serait contraire à un autre antérieur et inaliénable de souveraineté. Et de reste les Traités entre le Gouvernement Marocain et les Puissances, ainsi que les Traités internationaux, dans et Article I<sup>er</sup>, stipulent pas que la protection soustraie les protégés à la juridiction de leur pays d'origine.

Art. II Maintenu

Art. III Maintenu pourvu qu'on prévienne l'Agent Consulaire en cas de poursuite.

Art. IV Pourvu qu'il soit autorisé par le Sultan. Dans cet Article comme dans les Articles précédents, il est entendu que les employés qui relèvent de l'Agent Consulaire ne pourront être poursuivis qu'après en avoir averti l'Agent.

Arts. V, VI, VII, VIII, et IX. Maintenus dans le sens indiqué dans l'Article I<sup>er</sup>.

Art. X Le censal n'est protégé que dans le sens de la protection donnée à ceux qui relèvent du service d'une Mission étrangère ou d'un Consulat ou des sujets étrangers. Le censal est l'agent d'une maison commerciale établie au Maroc et qui ne fait pas de commerce pour son propre compte mais pour la maison qui l'écrit. Donc c'est protégé à raison de la protection dont jouit la marchandise étrangère, qu'il a en dépôt. Dans ces conditions nul ne sera censal s'il n'ouvre un registre quoté et paraphé par le Consulat de la nation d'un indigène étranger, sur lequel il enregistrera les marchandises à lui consigner et leur vente à lui et à mesure. Ce registre pourra être réclamé à toute injonction par le Consul afin d'en vérifier la tenue exacte. Le dit Consul pourra également exiger la production des connaissements d'exportation des marchandises à l'Europe et les reçus de la Douane indiquant le paiement d'entrée ou de sortie en cas d'exportation de marchandises. Le dit registre aura en outre l'avantage de servir pour le règlement des créances contre les débiteurs de mauvaise foi.

Art. XI Maintenu

Art. XII Maintenu sauf les observations suivantes:—

En raison de nombreux abus qui se sont produits dans ces questions de location de terres, culture, et élevage de bestiaux, il convient de prendre des mesures pour les empêcher à l'avenir. Aucune location, aucune association ne sera valable, si l'acte qui l'établit n'est rédigé dans le bureau d'un Consul ou d'un Agent Consulaire, et assurant des apports de chacun des associés.

En outre, l'Acte sera confirmé par devant le Cadi ou l'autorité locale.

Toute Convention entre un Européen et un indigène qui n'aura pas été soumise à cette formalité sera désormais sans valeur devant la justice, dont les deux Parties Contractantes relèvent.

Arts. XIII et XIV Maintenus.

Art. XV Suppression de l'Article 15 sur la demande du Sultan qui veut disposer de la plénitude de ses droits sur ses sujets quels qu'ils soient. Tout sujet Marocain naturalisé à l'étranger sera libre de jouer à son gré de sa naturalisation autre part qu'au Maroc, mais en remettant le pied dans le Maroc, il redeviendra sujet Marocain et soumis

exclusivement à l'autorité Marocaine, à moins que le Sultan n'autorise cette naturalisation avec les droits qui en découlent par une lettre patente.

Art. XVI. Conserver le principe de la suppression, mais introduire le chiffre réduit et nominatif des personnes qui en raison des services rendus pourront obtenir non la protection mais la naturalisation, comme récompense, et il serait nécessaire pour éviter les abus à venir que la désignation définitive soit faite d'accord avec les Plénipotentiaires Marocains dans le cours de la nouvelle Conférence.

No. 18.

*Sir W. K. Green to the Marquis of Salisbury.—(Received January 11, 1888.)*

(No. 182. Confidential.)

My Lord,

*Tangier, December 30, 1887.*

I HAVE the honour to report, for your Lordship's information that orders have recently been received by the Moorish authorities at Tangier from the Sherrefian Court to make every preparation for building at once a fort and barracks on the Island of Peregil, the latter to be capable of containing 500 men.

On hearing of this decision I took steps for having the following advice conveyed to the Sultan:—

I pointed out that it was almost an unexpected piece of good fortune that Señor Diosdado's views as to whom the island belonged to prevailed at Madrid, where in many official and influential quarters it was wished that Peregil should be treated as a Spanish possession.

Under these circumstances, Señor Diosdado's position at home would be weakened when it became known that the Sultan had found it advisable, by the erection of worthless works of defence on the island, to uselessly accentuate the mistake which the Spanish nation had fallen into of claiming the island.

I added that the public discussion of the subject, and the declaration of Señor Moret in the Cortes, should have been considered as having afforded ample and sufficient admissions of the Sultan's title to the island, without exposing Señor Diosdado to the imputation from the side of his countrymen of having secured on Peregil a conspicuous monument commemorating an unfortunate Spanish mistake. The Sultan ought to feel that Señor Diosdado is far too true and honourable a friend of Morocco to justify difficulties being encountered by him at the hands of the Sherrefian Government.

I have, &c.

(Signed) W. KIRBY GREEN.

No. 19.

*The Earl of Lytton to the Marquis of Salisbury.—(Received January 11.)*

(No. 28. Ext. 1.)

My Lord,

*Paris, January 10, 1888.*

M. FLOURENS read to me yesterday a despatch from M. de Montebello reporting that the English Ambassador at Constantinople had called the Porte's attention to alleged encroachments on the Tripolitan frontier by the French authorities in Tunis.

I do not remember the exact words of M. de Montebello's despatch, but to the best of my recollection they were to the effect that an official note had been addressed by Sir William White to the Ottoman Government on the subject.

M. Flourens said he was anxious that your Lordship should know as soon as possible that no such encroachments had taken place.

There was a dispute between the French and Turkish Governments about the demarcation of the Tunisian frontier, within which France desired to include the River Mokhta, but, pending the settlement of this dispute, the *status quo* had been strictly observed by the French authorities in Tunis; and his Excellency was inclined to think that the information on which Sir W. White had acted might possibly have originated in a misconception of the circumstances connected with arrangements now being carried out between the French and Turkish authorities for compelling various tribes which had taken refuge on Tripolitan territory at the time of the French occupation of Tunis to return to their native localities now under French jurisdiction.

I understood M. Flourens to say that, in conformity with these arrangements,

certain French military posts had been advanced to the Tripolitan frontier for the purpose of superintending the reception and distribution of the emigrant tribes whose further residence on Tripolitan territory is not desired by the Turkish Government.

I have, &c.

(Signed) LYTTON

No. 20.

*The Marquis of Salisbury to the Earl of Lytton.*

(No. 24.)

My Lord,

*Foreign Office, January 11, 1888.*

I HAVE received your Excellency's telegram No. 1 of the 9th instant, and despatch No. 28 of the same date, reporting the explanations given to you by the French Minister for Foreign Affairs with regard to the frontier between Tunis and Tripoli.

I have to request that you will offer to M. Flourens my thanks for this communication, and will add that I am not aware of Sir W. White having addressed the Porte officially on the subject, although his Excellency may have made some informal inquiries as to the state of the question.

I am, &c.

(Signed) SALISBURY.

No. 21.

*Sir W. K. Green to the Marquis of Salisbury.—(Received January 12.)*

(No. 3. Confidential.)

My Lord,

*Tangier, January 1, 1888.*

DURING a call paid me to-day by my French colleague he told me that though he had sent to Paris his Report on the question of foreign protection of natives in Morocco, supporting the arrangement come to between Señor Diosdado and himself he had, however, expressed to M. Flourens his personal preference for the entire abolition of protection in this country, and for the establishment of Mixed Tribunals and other similar administrative reforms.

Signor Maussa, the Italian Chargé d'Affaires, having previously told me that his Report also is much to the same effect, I said to M. Péraud that it was satisfactory to find that, without previous agreement, my Report to your Lordship has similar conclusions to those of my colleagues whom I consider among the best informed on the difficulties surrounding this question of the foreign protection of natives in Morocco.

I have, &c.

(Signed) W. KIRBY GREEN.

No. 22.

*Sir W. K. Green to the Marquis of Salisbury.—(Received January 12.)*

(No. 4. Confidential.)

My Lord,

*Tangier, January 5, 1888.*

AS I observe from the second paragraph in Sir Clare Ford's despatch No. 172, Confidential, of the 11th ultimo to your Lordship, received by me to-day in print, Section No. 393, that the French Ambassador at Madrid had left Sir Clare Ford under the impression that he would like to see Spain bound to France by the engagement which was entered into on Moorish affairs between those two countries in the year 1884, I have the honour to inform your Lordship that I have been able to gather from Señor Diosdado that he considers the engagement in question to have been reverted to through the recent arrangement come to between himself and M. Péraud (vide my despatch No. 148, Confidential, of the 27th ultimo).

During the visit paid by me to the Spanish Minister on the 30th December, mentioned in my Report to your Lordship No. 150, Confidential, of that day, Señor Diosdado, in order to show me the unhesitating support which he gave to the arrangement arrived at with the French Minister, read to me, in a rapid manner, the despatch he had written to the Secretary of State announcing the agreement which had arisen



Señor Drosado, in his Report to Señor Moret, used words to this effect: "Bearing in mind the engagement existing between the Spanish and French Governments that they should march hand in hand in all matters connected with affairs in Morocco he had felt no hesitation in coming to the present understanding with his French colleague."

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 23.

Messrs. Shuttleworth, Cox, and Co. to the Marquis of Salisbury.—(Received January 12.)

My Lord,  
REFERRING to your letter of the 22nd November last we shall be glad to hear if you have yet received a Report from Tangier with reference to the case of ourselves v. Pariente

We are, &c.  
(Signed) SHUTTLEWORTH, COX, AND CO.

No. 24.

The Marquis of Salisbury to Sir Clare Ford.

(No. 4.)  
Sir,  
WITH reference to your Excellency's despatch No. 179 of the 10th ult. and to recent correspondence upon the subject of the Island of Perigil, I transmit to you the accompanying copies of further papers, as marked in the margin,\* in connection with the question of the sovereignty of the island in question, and I have to request your Excellency to call the attention of the Spanish Government to the statement contained in the Admiralty letter of the 3rd instant.

I am, &c.  
(Signed) SALISBURY

No. 25.

Sir W. K. Green to the Marquis of Salisbury.—(Received January 13.)

(No. 8.)  
My Lord,  
I HAVE the honour to report, for your Lordship's information, that the Sultan is sending a Special Mission to Madrid to convey to the King and to the Queen Regent some gifts in return for those sent this summer by Her Majesty to Mulai Hassan through Señor Drosado. The present from the Queen formed a separate gift from those which the Spanish Minister presented at the same time as coming from the Spanish Government.

I understand that the principal offerings of the Sultan consist of a gold-sheathed Moorish dagger with a jewelled handle for the infant King and richly jewelled gold anklets for the Queen Regent.

The Moorish Envoys who have been appointed to convey the gifts to Spain are Cid Abd El Sadek Ben Hamud, Governor of Tangier, and Cid Hamed El Kerdudi, a Chief Secretary of His Sherrefian Majesty.

I have, &c.  
(Signed) W. KIRBY GREEN.

\* See Part XV Nos. 290 and 388, and *ante*, No. 10.

Sir W. K. Green to the Marquis of Salisbury.—(Received January 13.)

(No. 7. Confidential.)

My Lord,

Tangier, January 10, 1888.

I LEARN from Mequinez that the Sultan has not yet selected the person who is to represent Morocco at the approaching Conference at Madrid. But having heard that the Spanish Government contemplated that Señor Rinaldi, the First Interpreter of the Spanish Legation, shall accompany the Moorish Representative to act as his interpreter at the Conference, I have thought it expedient to advise Mulai Hassan, through a confidential source, that preparations should be taken to place his Delegate in a less dependent condition than would be the case if Señor Rinaldi was to be the sole channel of communication between the Moorish Government and the Delegates.

I have suggested that there should be two Delegates, whereby the Sultan could employ the person most in his confidence, who is sure to be ignorant of any other language than Arabic, and yet have a trustworthy person also present at the Conference who could communicate direct with most of the foreign Representatives. Thus, so to say, a suitable Delegate can be selected by the Sultan from among those Moors who a few years back were educated at Woolwich.

I have explained that if the Moors were to attend the Conference without following my suggestion they would be mere puppets in the hands of the Spanish Government, however much the Sultan, from past experience of Señor Rinaldi's ways, may imagine he can make sure of his following His Sherrefian Majesty's wishes.

Señor Rinaldi, who passes for a Spaniard, is really a Syrian. He is extremely astute, much trusted by his Government, and has found the means of making a large fortune since his official connection with the Spanish Legation here.

Should, notwithstanding, I have proffered, the Sultan not take the precaution of having some one at the Conference independent of the services of Señor Rinaldi or any other Spanish Interpreter, the presence of the Moorish Delegate at the Conference must be accepted as an empty formality, and I shall, later on, have to learn from the Moorish Government that all that was decided in opposition to the wishes of the Maroccan Delegate was so decided at the instance of the British Representative, and all that was favourable to Morocco was carried by the support of the Spanish Government.

Perhaps Sir Clare Ford with the exception of my confidential agents, may devise, if necessary, some means of controlling the Conference's intercourse with the Moorish Representative.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 27.

Aborigines' Protection Society to Foreign Office.—(Received January 13.)

Sir,

6 Room, Broadway Chambers, Westminster, January 12, 1888.

A SHORT time ago I forwarded to the Marquis of Salisbury, on behalf of this Society a Memorandum in which M. Perdicaris, of Tangier, suggests the formation of an International Tribunal in Morocco, to take the place of the protégé system. I now beg to inclose three printed copies of that document, thinking that, in this form, it will be more easy for reference.

I have, &c.  
(Signed) F. W. CHESSON.

Inclosure 1 in No. 27.

Memorandum by M. Perdicaris.

[See Part XV, Inclosure in No. 395.]

Article VII His Majesty the King of the Two Sicilies, in order to prove to His Majesty of Morocco his desire to form a permanent friendship with him, offered him as a gift for once only, composed of objects according to the request of His Majesty the King of the Two Sicilies to be presented at Taberba.

Thus a circle of dependents was gradually formed around each foreign Mission; their legal position was not strictly defined, but they were, in fact, withdrawn from the jurisdiction of the local authorities, and in order to be able better to explain how this irregular state of things could have come to pass, escaping all control, we should point out that business is generally transacted between the authorities of the country and foreign officials by means of verbal messages, which are carried by the guards attached to each Mission, or else, if the communication is very important, by an interpreter. Thus, if a foreigner or a protected person has a claim against a native, the Legation to which he belongs simply sends him with one of its guards to the Governor, or the Cadi, or even to the Foreign Minister, according to circumstances, in order that justice may be done to him, and a verbal recommendation sent in the same way by an influential or energetic Head of a Mission in favour of a subject of Morocco has more than once been sufficient to cause the latter to be regarded as protected, or, at all events, has produced all the effects of protection. This is how it is that certain foreign Representatives, who have perhaps been those who have made the most extensive use of protection, have been able to say with perfect truth that, with the exception of their own employés and servants, they have not a single protected person entered in their registers.

The state of things arising from these abuses, in which there was a kind of rivalry of influence between the different foreign Representatives, was already very serious at the time of the breaking out of the war with Spain (1859); it got still worse when the Government of Morocco lost the little authority it possessed in consequence of its new defeats. Matters arrived at such a pitch that the evil began to appear intolerable even to those who were the cause of it, and a kind of reaction set in.

But the Agreement of 1863 did not produce the effects hoped for; not only did all those who had previously been under protection remain so, but the legal recognition which had now been given to protection furnished the means of extending it still more. Brokers received it in much greater numbers than the Agreement warranted; persons were given it who had nothing to do with trade; firms established in Europe and without even a branch in Morocco were granted protected brokers, and not only European firms but even native protected ones obtained protection for their commercial agents. On the

... be found in vol. 11 of the Treaties between the United States and Foreign Governments, p. 323 (see also vol. 11, p. 324).

The evil, indeed, was universally admitted, and in 1877 and 1878, conferences had been held at Tangier with the object of remedying it, but all to no purpose. At last, on the proposition of England and Spain, a Conference assembled at Madrid, in the hope that there, amongst representatives new to the question, it would be more easy to arrive at an understanding. An Agreement was in fact arrived at at Madrid, but it was all to the prejudice of the Sultan's authority, for the Agreement of 1878, which the Sultan wished to have abrogated or at least modified was of an international character: the abuse, irregular protection received the name of customary law, and foreign Governments were granted the right of conferring protection as a reward for exceptional services rendered. "Non seulement nous conservons nos anciens protégés," Admiral Jaurès, the French Plenipotentiary, wrote to his Government at the end of the Conference, "mais nous en avons acquis en outre, et nous en aurons encore, si suffisante, le droit de protection pour services signalés rendus à la France."

Having made these observations on the origin of protection, we all now proceed to examine the present state of the case.

(a.) Natives in the service of the Legations and Consulates, and, to a limited extent, those in the personal service of Diplomatic and Consular officers.

(b.) Subjects of Morocco protected in virtue of the so-called customary right.

(c.) Commercial agents (also known as *residents, runners, consuls*) of foreign merchants established in Morocco, and those of protected natives included under heads (a) and (b) above.

## Class (A)

The convention of Madrid reproduced the same provisions, but in a different order and with some slight modifications. In virtue of these provisions, the following persons enjoy protection —

- \* Declaration of Intent to Conclude the Convention on the Protection of the Environment of the Kingdom of Italy, p. 18. (See Annex 2)  
 † See Paper No. 10, p. 10, para. 1. The Convention on the Protection of the Environment of the Kingdom of Italy, p. 18. (See Annex 2)  
 ‡ The Convention on the Protection of the Environment of the Kingdom of Italy, p. 18. (See Annex 2)  
 § The Convention on the Protection of the Environment of the Kingdom of Italy, p. 18. (See Annex 2)  
 ¶ See Annex 3, p. 10.



Vice-Consul, or Consular Agent having his own office, when, however, the Consular Agent is a subject of Morocco, he is only allowed a guard.

These arrangements simply provide for the service of the Legations and Consulates, and the allowance is not excessive. The right of protection in the case of this class of persons is founded on motives of public order, it is in force in all countries where the Consuls exercise a jurisdiction, nor is there any variety of opinion on this point. There have, however, been abuses connected with this class of protected persons, the number of native employes allowed to each Establishment is sometimes exceeded, and it also happens now and then that a Consular Agent appoints as his interpreter some rich proprietor or merchant quite unfitted for the office. But the evil is a very limited one, and the only possible remedy lies in the conscientious fulfilment of their duty by the Heads of Missions.

This class, then, does not require to be discussed.

#### Class (B.)

This class includes those cases of protection which were called irregular before 1880, and which were sanctioned by the Convention of Madrid on the plea of the exercise of a customary right.\*

2. What this custom was, I explained at the beginning of this Report and I also said that the most ancient cases of this class of protection occurred not much earlier than the middle of this century nor is any mention made of them in any Treaty or Agreement previous to the Convention of Madrid. The class includes some of the most important native firms, which have been granted protection by foreign Missions which have desired to develop the commerce of their own countries and to increase their influence in Morocco. It is very doubtful whether this aim has been attained. Italy, for instance, counts the best of these firms amongst her protégés, but the commerce of Italy with Morocco has remained almost nil, and the little trade there is does not in general pass through the hands of these firms. As regards political influence, it by that is meant having to be constantly discussing with the native Government unpleasant questions in which no national interest is at stake, and which at times reach proportions that threaten to compromise the prestige of the national flag, certainly the means of acquiring this kind of political influence are afforded by the right of protection. But one may be permitted to doubt whether this is the policy that becometh a great State, which has real and tangible interests to protect. However this may be the right of protection is especially useful to Powers having designs upon Morocco, and the course of events very soon showed the XVIIth Article of the Convention of Madrid in its true bearings, and opened the eyes of the States which were desirous of maintaining the *status quo* to the possible consequences of that Article. For it was on the strength of this Article that France, in 1884, took the Sherref of Wazan under her protection, an event which was thought so important at the time, that it was feared that the moment had come for Morocco to be made a protected State, while, as far as I know, none of the other Signatories have had occasion, since 1880, to take any one under their protection for disingenuous services rendered.

But, apart from political considerations, the abrogation of this provision of the Madrid Convention is demanded by a sense of justice and the consecration of what is due from every Government to those who are under its care. For it is not fair that strangers who have no knowledge of the country protecting them, who do not speak its language, and who are not bound to it by any tie of affection, should have assured to them the same protection which is enjoyed by the real citizens of the country without fulfilling any of the obligations to which these latter are subject. A foreigner who wishes to settle here, and who has to contend with the inevitable difficulties which beset him in a new country, finds himself in a disadvantageous position as compared with these protected natives, and it is more than difficult for him to compete with them. This explains how it is that the European firms established in Morocco can be counted on the fingers, while in Tangier itself there is only one of real importance.

Nor is there any force in the arguments used to justify protection from the humanitarian point of view as being a boon to the oppressed Jews. It cannot, indeed, be denied that the Jews of Morocco are kept in a state of inferiority to the Mussulman, but of what avail can the protection granted to a hundred or so of rich merchants be to abelter the 250,000 of the Empire?

It is right, of course, that the Representatives of civilized nations should keep

\* See Article XVI of the Convention which contains a clear contradiction of terms.

careful watch against acts of persecution being committed, that they should patiently and persistently urge the Sherrefian Government gradually to extirpate the customs and prejudices, and remove the legal disabilities which weigh so heavily on the Jews, that they should ever be ready with prompt and energetic collective action when circumstances demand it.

This is the real protection wanted by the Jews of Morocco, it has been said, perhaps not without reason, that the action of the foreign Representatives would be more efficacious if it were exercised, not in the interests of any particular individual, but solely in view of the general improvement of the condition of this important section of the population of the Empire.

It would certainly not be equitable to proceed now to annul with a stroke of the pen Article XVI of the Convention of Madrid, together with the legal status it guaranteed to such subjects of Morocco as enjoyed protection at the time the Treaty was concluded. It would certainly be impossible to persuade France to withdraw the protection she has granted to the Sherref of Wazan in virtue of that Treaty.

An *ad interim* provision must therefore be found under which the existing state of things shall be taken into consideration, but in order to close for ever the register of customary protection and shut out all possibility of abuse for the future, it is above all things necessary that all the Legations should send in their lists of persons protected in this manner, and that these lists should be placed under the authority of an international Agreement, they might for instance, be annexed to the proposed new Convention. There should also be a clear confirmation of the maxim often found in the Treaty but rarely observed, that protection does not bestow protection, that protection is for life only and not hereditary, and that it is strictly limited to the protected person himself, to his wife, and to his children so long as they are minors.

If this proposal were adopted with all the difference which is due to international nets would be paid to the stipulation of the Treaty of Madrid now under consideration, this class of protected persons would soon cease to exist and their temporary existence would in no way fetter the action of the local Administration because with the above-mentioned limitations there would not be more at the outside than 250 subjects of Morocco, healy the Legations to be under their own jurisdiction, and, moreover, this number would diminish year by year until at last it would reach zero.

It would, however, be useless to stop the right of granting customary protection if nothing is done to prevent subjects of Morocco who may have acquired foreign naturalization abroad from keeping it after they return to their own country. The case with which naturalization can be obtained in Portugal in Brazil, in the United States of America, and in Algeria is well known, and cases of subjects of Morocco who after a short sojourn in Algeria, return to their own country as naturalized French citizens, and thus withdraw themselves from the jurisdiction of their natural Sovereigns are becoming more and more frequent. The attraction which the neighbouring Colony must necessarily exercise in this part of Africa will make this circumstance a grave danger in the future, and it would already have assumed greater proportions were it not that Mahdists dislike becoming subjects of a Christian Power, for this reason the Jews have hitherto been the only persons availing themselves of the above-mentioned facility.

The question was considered at the Conference of Madrid, but the Plenipotentiaries present were principally desirous of avoiding anything which might limit the effect of the Naturalization Laws of their respective countries, and Article XV of the Convention was therefore adopted, whereby any subject of Morocco obtaining foreign naturalization and returning to Morocco must after having remained there for a period as long as that which it took legally to acquire the foreign naturalization in question, choose between submitting himself entirely to the laws of Morocco and leaving that Empire. It would indeed have been difficult to frame a more complicated stipulation, it would have been difficult to carry it out in a European State, here it was impossible, and subjects of Morocco having obtained foreign naturalization come back to this country and remain for an unlimited time without losing their status as foreigners.

There is no need to raise a theoretical question of international law to show that the Sherrefian Government cannot be obliged to give effect in its own territory, and with regard to its own subjects, to the laws regulating naturalization in foreign States. The constant precedent is that of Turkey who by the 17th Article of the 19th January, 1849, declared that foreign naturalization acquired without the Porte's sanction would be considered null and void in the Ottoman Dominions, which provision has, after some slight difficulty, been recognized and observed by the Powers.

The question of naturalization is of more importance for Morocco than that of protection. The desire of Mahdists to become subjects of a Christian Power will not

always be insurmountable, and if no remedy is applied there will in time exist in this country a Colony of Algerines sufficiently numerous to constitute, in the real meaning of the words, an *imperium in imperio*.

#### Class (C)

In this class are comprised the commercial agents or brokers, the protection of whom has the greatest show of reason, because it exists for the sake of the commercial interests of the foreigners established in Morocco. It formed the subject of the most animated discussion that took place during the Conference of Madrid, and will in all probability raise a lively debate at the forthcoming meetings. It will not therefore be out of place to treat it now in some detail.

France has endeavored to show that her Treaty of 1767 furnishes a legal basis for this kind of protection, but an impartial examination of the provisions of the Treaty in question destroys the allegation. As a matter of fact, the protection of brokers as well as other kinds of protection does not go back much beyond 1850. It obtained legal sanction by the Agreement of 1863, the Article of which the Convention of Madrid simply confirms.

Although the Agreement in question placed the brokers in a special class, it made the effects of the protection extended to them identical with that extended to natives employed in the Legations and Consulates. The only difference is that as regards the latter their protection is confined to the offices to which they are appointed, while the commercial agents are to be protected everywhere, but can at no moment be recruited by the commercial firm in whose service they are, not as long as they remain in employment. They enjoy in this country a position identical with that of foreigners.

The part taken by these men in commercial transactions in this country is, in present circumstances, of the utmost importance.

In Morocco the ports are not very important markets; they are rather places of transit, whether for foreign goods intended for the interior and goods from the interior intended for exportation. All large transactions are concluded in the interior, hence commercial firms established on the coast have to maintain constant communication with the interior, and for this purpose the brokers are specially employed. Foreigners, ignorant alike of the language, the customs, and the topography of the country could not carry on trade in the markets in question, which are as yet almost closed to Europeans, thus natives, either Muslims or Jews, must necessarily be selected for the purpose. These native agents buy grain, wool, and other produce for exportation at the great commercial centres of the interior and sell there the goods that have been imported. Besides having a perfect knowledge of the localities themselves, these agents must possess a great knowledge of the people, and for the following reasons:

The agricultural population of Morocco is generally very poor, and it often happens that in order to get the necessities of life and to be able to pay their taxes, the peasants are obliged to sell their produce before the harvest or the shearing time as the case may be; commercial firms established on the coast are in the habit, in order to buy more cheaply, to make advances on produce which is to be delivered within a certain time. With regard to these advances, such firms have to rely entirely on the experience and discretion of their agents.

It must be added that the commercial firms at the ports usually have branches at the towns of the interior, such as El Kassar el-Kebir, Fez, Meknes, and Morocco, and that native agents, either Muslims or Jews, are in charge of them for the reasons given above. It has hitherto been found difficult to place Europeans at the head of establishments in the interior.

Were it kept within the limits required by the special circumstances of trade in this country, the protection of brokers would seem to be sufficiently easy to justify, and all the more so if consideration is given to the fact that the Government of the provinces is intrusted to ignorant and rapacious officers, whose power is unlimited and who are almost irresponsible.

But it is this particular kind of protection which has given rise to the greatest abuses. Thus, although the Agreement of 1863 lays down that brokers shall only be allowed to foreign merchants, they have, notwithstanding the protests of the Sherrefian Government, been granted to protected natives in whose case those reasons are not found to exist which make these agents a necessity for European merchants. It is worthy of note, as showing the weakness of the Government of Morocco, that the confusion into which the system of protection has fallen has added to the abuses parties to the Convention of Madrid recognized that protected natives could not be

right to have brokers, and that the Representatives in Tangier received instructions in this sense; the protests of the Government of Morocco have not as yet had the least effect.

Again, although the Convention of 1863 limits the right to have brokers to firms doing a large import and export business, in practice, every little native trader claims the right to have his own brokers, and thanks to the abuses of which certain Missions are guilty, and to the culpable weakness of the Sherrefian Government, is entitled to claim for himself the treatment of the most favoured nation. As the granting of protection by the foreign Representatives does not appear to be free from bribery, it is not to be wondered at that the brokers' certificates are looked upon by merchants as part of the capital with which they trade. Any one coming to Morocco, even for a short time, will hear stories of traders who derive the greater part of their gains from frequent changes of brokers; of others, who after having sold a certificate to some unhappy native who wants to be protected from his own Government, accepts a larger bribe from the latter to give up the man to whom they have just extended protection; there are, indeed, many anecdotes which would make any one laugh, were it not that the dignity of all civilized nations is compromised by these shameful transactions.

It must also be added that, although the Agreement of 1863 limits to two the number of brokers to be employed by any one firm, with the exception that firms having several establishments on the coast may have two for each establishment, brokers are now granted in such numbers that the system is without limit or reason.

The Sherrefian Government also complains, and with reason, that the spirit of the Agreement of 1863 has been entirely violated, that merchants no longer give the certificate of broker to agents employed in transacting commercial business, but that they appoint as their brokers rich and powerful Chiefs of the interior, who, it is well known, cannot, on account of their position, become inferior employees of commercial houses, but they buy the certificates in order to withdraw themselves from their family, their lands and all their possessions from the jurisdiction of the local Government. In this way the Sherrefian Government is not only defrauded of the taxes that ought to be paid by these men, and of the military contingent which they would, in case of necessity, be bound to bring up, but it also sees its prestige so weakened in the sight of the people that it is becoming more and more difficult for it to govern.

Nor is the Government of Morocco less justified when it complains that the fact of the brokers having withdrawn their property from all local jurisdiction, while exercising their functions far from the authority of any Consul, has made these agents very powerful, and has given them a monopoly of the markets. I will here reproduce the words used by the *deid* Mohammed Bargash, then Minister for Foreign Affairs, in complaining of this inconvenience at the Conference of Tangier. His words give a perfect picture of the local customs, and make the meaning of the above statement perfectly clear:—

"Comme vous le savez, les marchés au Maroc se tiennent en rase campagne dans des endroits où les Arabes se rendent à un jour fixe de la semaine, avec leur marchandise. Un ou plusieurs Cadi (Juges) selon l'importance des marchés, des notaires pour certifier les transactions et administrer la justice, ainsi que les soldats pour maintenir l'ordre, assistent à ces marchés.

"Les ventes se font à l'enchère.

"S'agit-il, par exemple, de cuir: des marchands, sujets Marocains sans protection étrangère, se présentent, et offrent pour ces cuirs 110 piastres. Le vendeur, sujet Marocain, aussi, trouve que ce prix lui convient et se dispose à conclure la vente, lorsque un agent ou censal jouissant de la protection étrangère se présente, et offre pour ces mêmes cuirs 120 piastres, obtenant ainsi que les cuirs lui sont adjugés. Ceci se passe dans la matinée et le vendeur, une fois ses cuirs adjugés, renvoie les chameaux à vide ou chargés avec d'autres marchandises qu'il a achetées à son tour. En attendant, le censal laisse faire et s'occupe d'autres achats. Le soir arrive, tout le monde se prépare à quitter le marché, c'est la le moment choisi par le censal qui se présente alors pour prendre livraison des cuirs dont il rejette une partie sous prétexte qu'elle est en mauvais état.

"C'est en vain que l'Arabe vendeur lui fait observer que les cuirs sont bons et qu'il aurait dû les examiner avant d'offrir les 120 piastres, lui faisant perdre l'occasion de les vendre pour 110 piastres.

Le censal tient ferme, l'affaire est portée devant le Cadi, le crieur public confirme la vente, les témoins sont produits et écoutés, et le Cadi condamne le censal au paiement

† See the diplomatic documents Nos. 114, 120, 124, 125, 126, 127, of our Confidential Series X1.

des 120 piastres. Celui-ci adresse des paroles injurieuses au Cadi en se déclarant agent de tel négociant étranger, et par conséquent protégé de telle ou telle nation.

"Le Cadi se déclare impuissant à le contraindre le censal n'étant pas soumis à sa juridiction.

"Le vendeur voudrait se venger, mais le Cadi l'en empêche pour éviter une question avec l'autorité Consulaire, qui protège le censal.

"Comme l'Arabe a déjà renvoyé ses clients, ce qui l'empêche de la remporter chez lui le malheureux se voit obligé ou de laisser sa marchandise pendant la nuit dans un endroit inhabité ou elle est exposée à être volée, ou bien à accepter ce que veut bien lui donner le censal, lequel profitant de la situation rabat le prix, et parvient à ne payer que 80 ou 60 piastres seulement au lieu des 120 piastres. Que le cas est donc la situation des négociants Marocains?

"Ils sont vendeurs, l'exemple que j'ai cité, parmi tant d'autres que je pourrais signaler, et de la vérité desquels je réponds, et suis prêt à fournir des preuves, la démontre clairement, s'ils sont acheteurs ils se voient obligés à acheter à de hauts prix pour pouvoir lutter contre les censaux, qui forts de leur protection, et employant tous les jours de nouvelles ruses, font enchérir impunément les marchandises.

"Cela dit, je vous laisse juges de ce que perd en prestige l'autorité locale, ne pouvant maintenir les droits des sujets Marocains contre de pareils procédés. Cela explique ce que j'ai dit auparavant au sujet de nos négociants, car il est très naturel, il est très juste, qu'ils recherchent une protection étrangère non dans le but de se soustraire aux abus des autorités locales, mais pour se mettre à l'abri des procédés des censaux des négociants étrangers."

The following declaration made by the French Ministers at the Conference of Tangier\* will give an exact idea of the degree of inviolability enjoyed by these brokers —

"M. le Ministre de France déclare qu'il admettrait même qu'un sujet Français, pris en flagrant délit, pût être arrêté par l'autorité Marocaine pour être livré, bien entendu, à l'autorité Consulaire Française, mais qu'il ne saurait consentir à ce qu'il en fût ainsi pour les agents commerciaux, car cette concession aurait pour résultat d'annuler la plus précieuse des garanties que les Traités Français ont stipulées en faveur de cette classe de protégés.

"Il serait à craindre en effet, vu l'état de civilisation du Maroc, qu'un agent commercial, porteur d'importantes sommes d'argent, et engagé dans un marché de l'intérieur dans une grande opération commerciale, fût arrêté sous prétexte de flagrant délit, et dévalisé sans pouvoir établir son innocence."

To claim for a protected native privileges greater than those secured to foreigners is certainly to go beyond the limits of what should presumably be conceded to the interests of commerce, however legitimate they may be.

At the Conference of Madrid the Powers were inclined to give due weight to these complaints, but France declared categorically that she would not admit the discussion of any proposal which would modify the Agreement of 1863. The only concession which Admiral La Mure seemed disposed to make was to permit the arrest of a broker taken in the very act of committing fraud. In view of this attitude, which threatened to put an end to the Conference, the Plenipotentiaries gave way, but the object of the meetings had failed.

Among the proposals then put forward and intended to reconcile what the Sherrefian Government declared to be an absolute necessity for the purpose of carrying on the Government, with the protection of the interests of trade that made by England deserves especial mention. It consisted virtually in selecting brokers from among the inhabitants of the ports and towns to the exclusion of those living in the country. Brokers were to be subject to the local jurisdiction; but in certain cases they were to have the assistance of the Consulate in Courts of Law, other provisions were made, safeguarding the interests of the commercial firms committed to their care;

These proposals, which give sufficient protection to *bona fide* commerce, might perhaps be now adopted, but only as an arrangement *ad interim* to smooth over the passage from the ancient system to a new one. For the attempts made in 1863 and 1880 have made it henceforth clear that it is no use to limit protection, that so long as it exists under any form, all the abuses now complained of will continue to appear, and that no Treaty provision is of any avail to keep it within bounds.

If any further proof were required of this it might be mentioned that in a greater or

\* Meeting of July 12, 1887.

† Meeting of June 9, 1880.

‡ See Annex 5 (not printed).

less degree the protection of the farmers, the agents, the employees, and the domestics of foreigners and protected subjects still continues, although both the Agreement of 1863 and Article IX of the Convention of Madrid prohibit it, nor has that unofficial protection ceased in matters which concern Maroccan subjects exclusively, which it was desired to put an end to by Article XIV of the said Convention, and among these unjustifiable interventions the action of the French Legation should be specially mentioned, inasmuch as it exercises a Protectorate over the private affairs of non-protected Jews, in its capacity of Representative of the Jewish Alliance of Paris.

The gravity of this state of affairs is now recognized by all, and not only among the foreign Representatives, but also among merchants of good faith, the impression has gained ground that the time of protection is over and that guarantees for the legitimate interests should be obtained by obliging Morocco to adopt a more liberal commercial policy. For, if the difficulties of all sorts which hitherto have hampered commerce were removed, if the Sherrefian Government gave unmistakable signs of their intention to favour trade and not to oppose it, if the interior of the country were really open to Europeans, then the necessity for protections would cease and the action taken for instance, by diplomats and Consuls in favour of their countrymen in the Ottoman dominions, would suffice for the natural development and proper protection of commercial relations.

The first step towards this more liberal policy might be the acceptance by the Sherrefian Government of the Commercial Treaty negotiated in 1886 by the Representatives of France, Germany, and Great Britain, which contains nothing excessive in its provisions. On this subject it may not be appropriate to mention that the commercial relations between Morocco and the other States not governed by the Anglo-Maroccan Convention of the 9th December, 1856, and by the Hispan-Maroccan Convention of the 20th November, 1861. These Treaties establish —

(a) Customs of 15 per cent *ad valorem* on imports.

(b) Very heavy duties on exports.

(c) The power of the Sultan to prohibit the exportation of any produce of his Empire.

The result is as follows:

Among imports the goods which have a large value in a small compass, such as fine cloths, silks, brocades, velvets, gold threads, amber, coral, necklaces, and glassware, in order to avoid the high duty of 10 per cent, generally find their way into the country by contraband channels to the serious prejudice of the honest importers, who find competition impossible.

For exportation, the excessive duties and the amplification made by the Sultan of the power left to him by the Treaties, have made a system which is almost prohibitive. Thus, in an essentially agricultural country the following articles are excluded from exportation — Wheat, barley, flour of all kinds, starch paste, straw, Argan oil, soap, wine, alcohol, palm leaves, Arar wood, oak and larch wood, cork, coal, minerals of all kinds except fossils, fresh and salt butter, cheese, honey, bones, and manure, minerals. Then, with respect to the export duties, they are so high for some kinds of produce as to equal and almost surpass the value of the goods in the country. To give an example, the price of maize at the markets of the coast is in good years a little above 4 Italian francs the cwt., and the export duty is fixed at 4.60 the cwt.

The efforts of the negotiators were principally directed towards obtaining such a reduction of the import duties for the goods above mentioned as to suppress smuggling; the removal of any prohibition against exporting; and finally, a large diminution of the export duties, so as to leave a wide margin for speculation and allow the Maroccan produce to compete on favourable terms with similar produce of a different origin at the European markets.

They asked the Sultan to open to commerce a port in that region which is south of the Atlas range, so that the important provinces of Sus and Wad Nair should have facilities for exchanging their produce, an arrangement from which the Sultan would also have derived a political advantage as those cause of the expeditions would disappear, which on several occasions were undertaken by Europe to that part of his dominions with a politico-commercial object.

These are the concessions which ought to be made by the Sultan to show in no doubtful manner his wish to initiate a new commercial era for Morocco.

To these should be added that which is the basis and confirmation not only of every commercial development but also of all civil relations, that is to say, the establishment of a judicial authority to decide the disputes between foreigners and Maroccan subjects. Excepting the Tribunal of the Cadi, which settled the business



relative to real property; (a jurisdiction which it is necessary to maintain with such modifications as experience suggests), there does not exist, even in embryo, any judicial authority to decide the disputes between foreigners and natives when the former are the plaintiffs.

And it is not because the Treaties do not foresee the case; Article XII of the French Treaty of 1767, Article XI of the English Treaties of 1856, Article IX of the Spanish Treaty of 1881,\* contain clear and precise provisions. They withdraw from the competence of the Cadi those matters for which that Tribunal, being specially religious in its origin and nature, is wholly unsuited (and to that category belong commercial affairs), and they give cognizance of them to the Governor's Tribunal, but the Treaties supposed a state of affairs which has no real existence; this Tribunal of the Governor has never existed, but there are ignorant and venal Governors on the other hand in whom we can place no confidence.

And as, besides, these Treaties themselves admit of an appeal from the sentences of the Governor to the Minister for Foreign Affairs, the result has been that the claims of foreigners or protected subjects against those of the Sultan are treated and settled by diplomatic channels; which means that the factors in the decision are, not the greater or less foundation for the demand, but the political influence of the head of the Mission and the amount of interest which the Sherrefian Government may have in satisfying him. These claims generally accumulate; it generally happens that their settlement is delayed for several years and that the presence of war-vessels is necessary to obtain it. It is not necessary to explain the nature of that kind of justice which is dispensed generally without the parties against whom the claim is made being even heard. Also, the Sherrefian Government, whom it was attempted sometimes to hold responsible for the debts owed by their subjects to foreigners or protected subjects, took their revenge on the former by keeping them for many long years suffering all the horrors of an Oriental prison, and thus often for debts of a few crowns originally, which an immoderate usury had swelled to a phenomenal extent.

Of the necessity of real and prompt justice the negotiators of the Treaties were aware, and proposed that such matters should be settled by arbitration.† But perhaps the institution of Commercial Tribunals, like those which exist in Turkey ("Tigiarat"), with the guarantee given to the Judgment by the presence of the Consul or Interpreter, would better fulfil the commercial needs. Naturally the idea would have to be thoroughly studied before being put into practice.

Another concession which Governments are obliged to request for their subjects when they abandon the protections, is the execution of Article XI of the Madrid Convention, which gives to strangers the right of possessing real property in the Empire. This Article has up to now remained a dead letter. Outside Tangier, where the presence of the Representative prevents the Convention from being too openly violated, it is impossible for foreigners to acquire the possession of houses or land. Not only does the Maroccan Government not give that previous consent which is stipulated for by Article XI of the Convention, but they have terrorized their subjects to such an extent that no one would venture to sell a property to a foreigner. Complaints are continually reaching the Legations at Tangier from the merchants of the coast that they cannot find houses or store-rooms to let, and are prevented by the Governors from building new ones.

It will be objected to these reforms that all the Mussulman States which have given a free field to European enterprise ended by sinking under the political supremacy of this or the other European State; that by trying to remain wrapped up in herself, Morocco is defending her independence; that by allowing herself to be guided by other principles she would be preparing for herself the fate of Egypt or Tunisia.

But it must not be forgotten that the question is already settled beforehand; that France is at the gates of Morocco, and that if civilization does not penetrate into the country by the peaceful development of commerce, it will enter from the Algerine frontier with arms in its hands and fatal results. And during the recent illness of the Sultan, public opinion in Europe gave clearly to be understood that if it is willing to be interested in Morocco it must be a Morocco open to commerce, hospitable to strangers, and favourable to all progress, and if the country were to remain in its present condition it is doubtful if, in spite of Treaties, Governments which have their foundation on public opinion, such as Italy and England, would find sufficient support in that public opinion to maintain the throne of the Sherrefs if it were threatened.

But it will be no easy matter to persuade the Sultan to embark on this course of the representations that were made to him that freedom of commerce would be a great benefit to his country, he answered in such a way as to intimate that he preferred to keep

\* See Annex 6 (not printed).

† See Annex 7 (not printed).

his people ignorant, poor, and weak, because he could then govern them easier. And with what ideas the Sherrefian Government will take part in the new Conference may be judged from the letter which on the 25th December, 1886, the Vizier Garat wrote to the French Minister about the new Treaties. Of this letter the following extract is sufficient: "It would be necessary that the commerce in grain, wool, and other produce should not be carried on anywhere but in the towns and sea-ports on the days and in the places which are established, so that all those who traffic in such produce should know when to come. Foreign merchants ought to be forbidden to go out on the road to meet the natives who are bringing goods from the interior in order to get them before they arrive in the town, and they ought not even to be allowed to send agents to the markets of the interior, or to go there in person."

Moreover, the protections are not the only wounds which troubles this unhappy country. An ignorant and haughty Sovereign, with counsellors equally so; rapacious and omnipotent Governors who have to give no account of their proceedings, arbitrariness and venality in the levying of taxes, the administration of justice and every function of Government, a people accustomed for centuries to support the yoke, but disaffected, and having nothing to bind them to their Sovereign but religious traditions, numerous tribes in a permanent state of insurrection, such is the state of the Empire. Add thereto foreign ambitions which are now in rivalry, but to-morrow may be in agreement, and it may be seen what a difficult task have those Powers who wish the independence of Morocco preserved to fight against, the slow agency of so many germs of destruction.

(Signed) MAÏSSA.

#### Annex I

##### Rules for Consular Protection.

Protection is individual and temporary. It cannot be granted as a general rule to the relations of the protected individual, but may be to his family (wife and children) living under the same roof with him.

Protection is at most for life and never hereditary.

The protected subjects are divided into two classes:—

The first category includes the natives employed by the Agency and Consulate-General, and by the different Italian Consular authorities. The second category includes the stewards, brokers, or agents of the country who are employed by Italian merchants for their commercial business.

It is advisable to observe on this point that the character of merchant is only recognized in those who carry on a wholesale export and import trade, either in their own name or by commission.

The number of the native agents who enjoy Italian protection is limited to two for every commercial house. In exceptional cases the commercial houses who have establishments in different places may have two agents in each establishment, who for that reason will be entitled to Italian protection.

Italian protection is not granted to natives employed by Italians in agricultural work; but notwithstanding, in consideration of the existing state of affairs, and by consent of the Maroccan authorities, the benefit of the protection granted up till now to the individuals who fall under the preceding category will continue for two months from the 1st of September next.

It must be clearly understood that the agricultural labourers, herdsmen, or other native peasants in Italian service cannot be prosecuted in a Court of Law without the competent Consular authorities being immediately informed of it, so that they should protect the interests of his own countrymen.

A list of all the protected persons shall be given by each Consulate to the authorities of the place, who will also receive a notification of any modifications which may possibly be made in the original list.

Every protected subject shall be furnished with a paper giving his name, and showing the nature of the services which secure him this privilege in Italian and Arabic.

All these certificates of protection shall be issued at the Agency and Consulate-General at Tangier.

Tangier, August 19, 1886

No. 31

*The Marquis of Salisbury to Sir W. K. Green.*

(No. 3. Confidential.)

Sir,

I HAVE received your despatch No. 152, Confidential, of the 30th ultimo, and I have to convey to you my approval of the advice which you have had conveyed to the Sultan of Morocco in regard to the reported intention of His Shercehan Majesty to cause a fort and barracks to be erected on the Island of Peregil.

I am, &c.  
(Signed) SALISBURY

No. 32.

*Sir W. K. Green to the Marquis of Salisbury.—(Received January 18.)*

(No. 5. Confidential.)

My Lord,

ABOUT ten days ago I received a private intimation from the Shercehan Court that Mulai Hassan purposed visiting Tangier in February next. I then, however, did not feel justified in troubling your Lordship on the matter before I could be more certain of the realization of the Sultan's intention.

But the project of Mulai Hassan's visit being now generally known, though the time of its taking place has been put back to April, I no longer abstain from addressing your Lordship on the subject, notwithstanding that I believe the Sultan's coming may still be looked upon as highly problematical.

Yet, should the Sultan really visit Tangier, I would then strongly urge that marked notice of the rare event should be taken by Her Majesty's Government. It is most desirable that Mulai Hassan should have an opportunity of seeing by ocular evidence the naval strength of Great Britain, and I also that the means should be at hand of being able, if possible, to induce His Shercehan Majesty to pass over to Gibraltar for a few hours.

I further think it would have a good effect on the Sultan, as well as on the Moors, for Her Majesty's Government to publicly demonstrate the friendly relations which they wish should always exist between Great Britain and Morocco, and especially to make evident the importance which Her Majesty's Government attach to the sovereignty of Mulai Hassan over a portion of his dominions which, by the long lapse of time which has occurred since a Sultan approached the most northern limit of his country, the natives had almost imagined had been abandoned as a continent. I earnestly trust it to be over-run by Christians and strangers.

I shall not fail to keep your Lordship fully informed of the Sultan's movements when His Shercehan Majesty commences his march in this direction.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 33.

*Memorandum communicated by Señor del Maso, January 20, 1888.*

A CAUSE du Décret du Bey de la Tunisie, publié le 10 Novembre, modifiant les dispositions antérieures pour faire effectif l'impôt de l'excise, le Corps Consulaire croyant que cette mesure portait de graves atteintes à ses intérêts nationaux en ce qu'elle touche à la formation et révision des listes des contribuables, après avoir tenu une réunion, accorde consulter aux Gouvernements respectifs.

Comme les listes des contribuables, selon ce Décret, ne sont pas déposées aux Consuls, qui n'ont aucune intervention dans les Commissions chargées de les faire, les étrangers ne peuvent pas apprécier l'exigence de l'impôt du 6 pour cent, surtout, manquant de représentation dans le Conseil Municipal, composé de Musulmans, Juifs, et des étrangers nommés par le Gouvernement Tunisien.

La suppression de cette garantie n'est pas compensée avec la faculté d'avoir recours au Juge de Paix, à cause des difficultés et des inconvénients qu'elle offre.

31

Au moment de la création des Tribunaux Français, les Gouvernements étrangers renoncèrent à la juridiction Consulaire, mais non pas aux autres droits accordés par les Capitulations, comme il a été établi dans le Protocole Franco-Italien du 25 Janvier, 1884.

L'extension que le Gouvernement Français est en train de donner au Protectorat sur la Régence accroît l'importance du Décret du Bey, qui place les étrangers dans une position défavorable envers celle des Musulmans et Juifs.

On désire connaître la réponse ou les instructions données par le Gouvernement Britannique à son Agent Consulaire dans la Régence, pour agir d'accord et conserver les garanties Consulaires accordées par les Capitulations.

No. 34.

*The Marquis of Salisbury to Sir E. Malet.*

(No. 20.)

Sir,

*Foreign Office, January 20, 1888.*

BARON PLESSSEN called at the Foreign Office yesterday, on behalf of Count Hatzfeldt, to communicate a telegram from the German Government which was to the effect that they had received an intimation from the Spanish Government stating that the French Government had renewed their demand that the question of neutrality or inviolability of the dominions of the Sultan of Morocco should be excluded from discussion at the approaching Conference at Madrid.

Baron Plessen added that the German Government were anxious to be informed of the attitude of Her Majesty's Government on that point.

In reply to his inquiry, Baron Plessen has been informed to-day that Her Majesty's Government have received no such intimation from the Spanish Government, but that they are not prepared to bind themselves beforehand on the subject.

I am, &c.  
(Signed) SALISBURY

No. 35.

*The Marquis of Salisbury to Sir W. K. Green.*

(No. 2.)

(Telegraphic.)

*Foreign Office, January 21, 1888, 3.45 P.M.*

PRINTED copies of your despatch No. 151, Confidential, of the 30th December are being sent to you.

Substance of it should be laid before the Conference in the form of a Memorandum, and passages omitted which you may think undesirable to retain in document intended for that purpose.

No. 36.

*The Marquis of Salisbury to Sir W. K. Green.*

(No. 5. Ext. 2.)

Sir,

*Foreign Office, January 21, 1888.*

I HAVE received your despatch No. 151, Confidential, of the 30th ultimo, containing your observations on the question of protection in Morocco, and it appears to have been written for the private information of Her Majesty's Government, and not for the use of the Conference.

I have, accordingly, to transmit to you herewith printed copies of your despatch and at the same time to request you to embody the substance of it in the form of a Memorandum to be laid before the Conference, omitting, therefore, any passages which you may not think desirable to retain in a document intended for that purpose.

The substance of the above has been communicated to you by telegram to-day.

I am, &c.  
(Signed) SALISBURY.

FC. 463/62

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*The Marquis of Salisbury to Sir W. K. Gren.*

(No. 8.)

94.

Foreign Office, January 23, 1886.

WITH reference to my despatch No. 83 of the 27th October, I have to request you to inform me when the Report on the case of Shuttlesworth and Co. v. Pariente may be expected, as the former desire to know.

I am, &c.  
(Signed) SALISBURY.

No. 26

*Count Sundvith to the Marquis of Salisbury.*—(Received January 24.)

(No. 1.)

My Lord,

Trans. January 16, 1888.

THE occupation of the military posts on the Tripolitan frontier, for which the authorities have been preparing during the past few months, has just been carried out.

In order to obtain more exact information on these movements, I proceeded on the 5th instant to Gales, lying in the 34th degree of latitude, whence I returned 10-day.

The following five posts have been occupied by the French: Zaram, Bir-el-Ahmar, Tataouin, Douiret, Kesser Metaneur.

All these places can be found on the charts published by the French War Office in 1885, on a scale of half-a-centimetre to the kilometre and will be seen that Douret, the southernmost post, is considerably to the north of Oued Mokta (by some considered as the boundary-line between Tunis and Tripoli).

Zarzis, on the coast, is occupied by a company of the 30th Chasseurs-à-pied, numbering 100 men, and 45 Spahis, light cavalry composed of Algerians and Tunisians, with a few Frenchmen.

Bir-el-Ahmar is occupied by a company of about 120 men of the same regiment as the foregoing, and 50 Strabis.

Tatavnia is garrisoned by a similar force of the same troops.

At Douret are posted 14 Spahis.

Kesser Metameur is occupied by a company numbering 120 men of the 4th Regiment of Tirailleurs, and about 20 men of the engineers and of the Transport Corps. The Tirailleurs are a mixed corps of natives and French, in the proportion of about five of the former to one of the latter. The Spahis are mostly volunteers; the Tirailleurs are recruited by conscription. In both corps officers above the rank of Lieutenant are Frenchmen, while Lieutenants and non-commissioned officers are half of them French and half Arabs.

The movement of these troops was completed on the 5th instant.

Considerable expense is being incurred in building suitable forts for the accommodation of the troops. Large quantities of tiles and of timber are being transported overland from Gabes, and it is calculated that the contracts entered into for building purposes, including transport, exceed an outlay of 32,000*l.* Of this sum, 25,000*l.* was allowed for in the Tunisian Budget for the current year.

The troops now withdrawn from Gabes for manning the above frontier stations have been partially replaced by 200 men of the 27th Regiment of Chasseurs-à-pied, who arrived here from Sfax on the 6th instant.

The troops forming part of the Gabès station, including those just detached, are the following :—

	Men.
1 Battalion of Tirailleurs-à-pied	300
1 Battalion of Chasseurs-à-pied (22th Regiment)	450
2 companies of Chasseurs-à-pied (2th Régiment)	200
Artillery 1st Regiment	200
Artillery 2nd Battery of 20th Regiment	120 (80 horses)
French Cavalry (with Campaign) (1st of 10th Squadron)	200 (100 horses)
Commissioned and Ammunition	50
Medical and nursing corps of 1st Regiment	80
First Major (including 1st Battalion of Tirailleurs)	0
<b>Total</b>	<b>1,350</b>

I have, &c.  
(Signed) THOMAS B. SANDWICH

*Consul Sandwith to the Marquis of Salisbury.*—(Received January 24)

(No. 2)

My Lord,

TUES. JANUARY 18, 1888.

DURING a visit which I recently paid to Gabes I went to inspect the artesian wells which have been sunk near the Oued Melah, about 9 miles north of that town. Three wells have now been bored, one about a quarter of a mile to the north of the Oued and 3 miles from the sea, another half-a-mile to the south of the Oued and at a similar distance from the sea, and a third on some rising ground 3 miles inland from the first.

When the first was sunk it gave out a copious stream of water estimated at 1,800 gallons a-minute. As time went on, it threw up large quantities of sand, with the natural result of creating a hollow beneath, and a few months ago the upper crust of earth fell in, creating a deep pool of water forming a circular basin 20 yards in diameter. The column of water is now so feeble as not to be visible on the surface of the pool, but there is a flow of water from it of 500 gallons a-minute. Much of the surrounding ground that had been cleared can now no longer be watered, and the flourishing aspect which it wore when Sir Lambert Playfair visited it a little more than a year ago has given place to one of comparative desolation. About 100 acres of land are planted with date-palms, which looked tolerably flourishing, but whether an supply of water will suffice for their irrigation in summer is open to doubt. Besides the palm trees there was a small nursery-ground of eucalyptus trees which were to be planted out, and which will require much less water than the palm trees. There were commodious sheds for cattle and live stock, most of which, however, has been sold. The personnel of the establishment, who are lodged in substantial cottages, consists of a manager, an assistant engineer, and a head gardener, all Frenchmen, with a few Arab workmen. Commandant Landas and his two brothers, who formerly directed the undertaking, had taken their departure, leaving a M. Baromet in charge.

After visiting the first well, which was bored as long ago as May 1886, I proceeded to view the second, lying less than a mile further north. Here a much narrower stream rushed forth, giving 2,000 gallons of water a minute. A few patches of maize already cropped, and about 70 acres planted with palm trees, were the only signs of cultivation apparent. The water was allowed to run waste, and the land flooded by it was covered with a rank growth of flags which formed a refuge for water-fowl. No farm buildings existed here, and not a labourer was to be seen.

These two wells are situated at 7 metres above the sea-level, while the third, further inland, has been bored at an elevation of 25 metres above the sea. The water, consequently, does not come to the surface with sufficient force, as it issues only a feeble dribble of less than 50 gallons a minute. Workmen were engaged in digging a trench 4 metres deep, in the expectation that at that lower level the column of water would issue in a fuller stream.

It will be seen from the above description that the prospects of the undertaking are far from promising; indeed, it is difficult to see how the great outlay that has been incurred can prove remunerative as to profit, in accrue from the little produce now raised. As for the projected part of the project of the Qued Melah, which was to cost 200,000*l.*, there is no talk of that for the present as its accomplishment is naturally contingent on the success of the irrigator experiment.

(Signed) THOMAS B. SANDWITH

No. 414

*The Marquis of Salisbury to Sir W. K. Green.*

(No. 7)

31.

Foreign Office, January 24, 1888.

WITH reference to the letter from the Aborigines' Protection Society of the 28th ultimo, inclosing a Memorandum by M. Perdicanis on the subject of protection, I transmit copy of a further letter from that Society,\* inclosing printed copies of the enclosure in their previous letter, together with an extract "From a Correspondent,"† relating to the alleged case of a man called "The Father of the Prison."

No. 22.

† Inclosure 2 in No 27



I have to request you to furnish me with your observations on these documents, and more especially as regards the case of the so-called "Father of the Prison."

I am, &c.  
(Signed) SALISBURY

No. 41.

*The Marquis of Salisbury to Sir W. A. Green*

(No. 8.)

Sir,

*Foreign Office, January 24, 1884.*

I HAVE received your despatch No. 7 of the 19th instant, and I approve the advice you have proffered to the Sultan of Morocco as regards the selection of Delegates to represent His Shereefian Majesty at the forthcoming Conference at Madrid.

I am, &c.  
(Signed) SALISBURY.

No. 42

*The Marquis of Salisbury to Sir Clara Ford*

(No. 9.)

Sir,

*Foreign Office, January 24, 1884.*

THE Spanish Ambassador called on me to-day and informed me of the committee which the French Government had laid down prior to consenting to take part in the Morocco Conference.

The first was that the programme should be rigidly adhered to, and no other question than protection dealt with.

The second was that the French and Spanish Governments should come to a preliminary agreement before entering the Conference.

His Excellency asked my opinion on the situation thus created by the attitude of the French Government.

I replied that Her Majesty's Government could not acquiesce in either proposal. The latter was inconsistent with the attitude hitherto adopted by Spain. With respect to the former proposal, I had only to say that in entering the Conference Her Majesty's Government proposed to discuss the question of protection and all other questions involved in it.

I am, &c.  
(Signed) SALISBURY

No. 43

*Foreign Office to Aborigines' Protection Society.*

Sir,

*Foreign Office, January 24, 1884.*

I AM directed by the Marquis of Salisbury to acknowledge, with his Lordship's thanks, the receipt of your letter of the 12th instant enclosing printed copies of the Memorandum by M. Pélissier on subject of protection in Morocco. A copy of that Memorandum has been communicated to Her Majesty's Minister at Tangier, and his attention has been especially called to the case of the so-called "Father of the Prison," referred to in page 3 of the printed Memorandum.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE

No. 44

*Sir W. White to the Marquis of Salisbury.—(Received January 25.)*

(No. 13.)

My Lord,

*Constantinople, January 14, 1888.*

YOUR Lordship having received information as to an alleged agreement as to the frontier of Tunis between France and Turkey, instructed me, by telegraph, to make

inquiries as to the correctness of this report of Said Pasha. This was on the 6th December, 1887 (telegram No. 136).

His Excellency, on being questioned, denied having any knowledge of the alleged arrangement, affirmed its impossibility, and sent me a message asking to hear any farther information I should receive on this subject, the nature of which appeared to surprise him.

Various explanations between Baron Blanc and the Porte followed on this frontier question, and some of my colleagues talked on the subject with the Turkish Ministers, but I did not concern myself any further until I received a Report from Her Majesty's Consul at Tripoli, dated the 22nd December, 1887, which appeared to me to throw so much light on this mysterious question that I authorized Sir A. Sandison to read a portion of it confidentially to Said Pasha, and his Excellency begged as a favour that he might have an extract from Mr. Drummond Hay's Report given to him quite confidentially.

When I received your Lordship's telegram No. 3 of the 10th instant, repeating the conversation of M. Flourens with Lord Lytton in which the French Foreign Minister alleged that I had addressed a note to the Porte calling attention to French encroachments, I at once concluded two things: (1) that M. Flourens had either been misinformed or had misunderstood the nature of what Sir Alfred Sandison had done at the Porte in this matter; (2) that some one at the Porte had made an indiscreet use of a confidential document.

I have since ascertained the correctness of my second supposition, as to the first one, it is denied at the French Embassy that they either supposed that I had addressed a note on that subject to the Porte, or that they had ever reported anything, except the reading of Mr. Drummond Hay's Report to the Foreign Minister.

I have not considered it worth while to push any investigations any further, but I propose speaking of the other statements of M. Flourens to Lord Lytton in another despatch.

I have, &c.  
(Signed) W. A. WHITE.

No. 45

*Sir W. White to the Marquis of Salisbury.—(Received January 25.)*

(No. 15. Confidential)

My Lord,

*Constantinople, January 14, 1888.*

WITH reference to the statements made by the French Minister for Foreign Affairs to the Earl of Lytton on the subject of the frontier question between Tunis and Tripoli, which has attracted lately so much attention in Italy, and which has been reported to your Lordship, and kindly repeated to me by telegraph on the 10th January, 1888, I think a few remarks of mine will not be entirely out of place.

That question may, I imagine, acquire fresh importance at any moment and Said Pasha has given me the views of the Porte on this question. I have just and repeated them since to Sir Alfred Sandison, it is, I think, desirable that your Lordship should be informed that the statements, even as to facts, contained in what the Sublime Porte says, and in what M. Flourens told Lord Lytton, by no means agree.

The French Minister speaks of the faithful observance by France of its understanding with Turkey.

Said Pasha denies that there is or ever has existed, any understanding with France about Tunis and its frontier.

M. Flourens further alludes to the "pending settlement of disputed frontier between Tunis and Tripoli."

The Sublime Porte denies both the dispute and the possibility of a settlement; they say there does not exist and cannot possibly be any negotiations or arrangement between Turkey and France on such a subject, either here or between the local authorities in Africa.

As this is a most delicate subject, and one on which Turkey, France, and Italy are all three very sensitive, I have kept the conversation Lord Lytton had with M. Flourens quite secret, as I am sure his Excellency's assurances would only have the tendency of complicating matters instead of allaying irritation, and would thus miss their object, and

I propose keeping the utmost reserve on this point until instructed otherwise by your Lordship.

I have, &c.  
(Signed) W. A. WHITE.

No. 46.

*The Marquis of Salisbury to Consul Sandwith.*

(Telegraphic.)

YOUR despatch No. 17 of 4th December.

Send home copy of Decree of 1882 alluded to.

Foreign Office, January 26, 1888.

No. 47.

*Sir W. K. Green to the Marquis of Salisbury.—(Received January 26.)*

(No. 10. Confidential)

My Lord,

Tangier, January 18, 1888.

THE United States' Consul, Mr. Reed Lewis, called on me this morning and informed me that he had been the past week at Madrid, whither he had gone to consult Mr. Curry, the American Minister at that capital, concerning the approaching Conference for the revision of the Madrid Convention of 1880.

Mr. Reed Lewis said that he had been named by the United States Government to represent them, in conjunction with Dr. Curry, at the Conference, but he did not wish this fact to be generally known for the present, as he knew that the Spanish and French Governments were most desirous of keeping away from the Conference all those who had a real knowledge of Moroccan affairs, and they therefore might trouble the Government at Washington with attempts to have his (Mr. Reed Lewis') appointment cancelled.

He further informed me that the United States' Government was determined upon not divesting itself of any of the privileges acquired under the Madrid Convention of 1880 without having a tangible exchange for every point abandoned, and that he and Mr. Curry were strictly prohibited from considering at the Conference any subject not directly connected with the question of foreign protection of natives in Morocco.

From the tone of Mr. Reed Lewis' observations I should infer that Dr. Curry and he have agreed to oppose all modifications of the existing Convention of Madrid, on the ground that if it is properly applied it is a very fair arrangement, and offers satisfactory guarantees against arbitrary proceedings on the part of the Moorish Government and authorities.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 48.

*Sir W. K. Green to the Marquis of Salisbury.—(Received January 26.)*

(No. 11.)

My Lord,

Tangier, January 18, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 48 of the 27th October last, on the subject of Messrs. Shuttleworth and Co.'s claim on Mr. Solomon Pariente.

I beg to furnish your Lordship herein with a further Memorandum drawn up by Mr. Consul White, accompanied by copies of all the documents bearing on the case, by which it is clearly shown that Messrs. Shuttleworth and Co. have received every requisite assistance from Her Majesty's Representative and Consular authorities in this country.

I have, &c.  
(Signed) W. KIRBY GREEN.

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Inclosure 1 in No. 48

*Memorandum by Mr. H. E. White respecting Shuttleworth and Co. v. Pariente and Co., and Pariente v. Shuttleworth and Co.*

MR. S. M. PARIENTE had been for some time agent at Tangier for the firm of Messrs. P. Shuttleworth and Co., of London, when, in April 1882, he entered into a partnership with Mr. Bensaude (at that time a member of the firm of Shuttleworth and Co.), and Mr. Levy, of Fez.

According to the terms of the articles of partnership, Mr. Bensaude was to procure goods to be forwarded to Mr. Levy through Mr. Pariente, who was to manage the business, keep the accounts, &c.

Messrs. Shuttleworth and Co. subsequently withdrew their agency from Mr. Pariente, and appointed Messrs. Haessner and Joachimssohn in his stead. They then brought a claim against Messrs. S. M. Pariente and Co. for 444. 16s. 8d. for goods supplied, whilst Mr. Pariente brought a claim against Messrs. Shuttleworth and Co. for 209l. 18s. 2d., balance alleged to be due on agency accounts.

Mr. Linton, a member of the firm of Shuttleworth and Co., visited Tangier, and it was arranged that the case of Shuttleworth and Co. v. Pariente and Co. should be first gone into and settled, and then Messrs. Haessner and Joachimssohn would be authorized to represent them to answer to the claim of Mr. Pariente.

On the 9th April, 1885, it was accordingly agreed to refer the claim of Messrs. Shuttleworth and Co. to arbitration, a formal submission being drawn up and signed by Mr. Pariente on the one part, and by Messrs. Haessner and Joachimssohn on behalf of Messrs. Shuttleworth and Co. on the other part, four Arbitrators being appointed, two nominated by each party.

On the 12th May, 1885, the Arbitrators delivered their award, all four Arbitrators being unanimous in finding that Mr. Pariente was not liable for the sum claimed, but that he was bound to furnish within a month a security for the transactions of the firm of Solomon Moses Pariente and Co. and should deliver to Messrs. Shuttleworth and Co. any balance that might be proven against him after deducting one third of the net profits of any, as sole remuneration for his services.

On the 5th January 1886, Messrs. Shuttleworth and Co. addressed to me a letter complaining that Mr. Pariente had not yet furnished the accounts and stating that the question had been referred to arbitration, and that I then stated that the award of the Arbitrators should be strictly upheld, and begging that I should "at once insist on Solomon Moses Pariente and Co. furnishing the said account."

In my reply of the 18th January I informed Messrs. Shuttleworth and Co. that Mr. Pariente had that day delivered the accounts in my presence to Mr. Haessner. I added that Mr. Pariente complained that, in spite of Mr. Linton's promise, Messrs. Haessner and Joachimssohn stated they had not been empowered to act in the matter of his claim against them.

On the 28th January, 1886, Messrs. Shuttleworth and Co. wrote that the accounts furnished by Mr. Pariente were "of no value whatever without the original sale and purchase notes, and must be confirmed by Mr. Pariente's partner, Mr. Levy."

I communicated this to Mr. Pariente, who replied that he had retained the notes, &c., in his possession, and was ready to produce them when the accounts were examined.

Shortly after Mr. Cornwell, member of the firm of Shuttleworth and Co., arrived at Tangier and I informed him of Mr. Pariente's reply. Mr. Cornwell had an interview with Mr. Pariente, but no agreement could be come to as to the account, and on the 2nd April, 1886, Mr. Cornwell wrote to me as follows:—

"I demand on behalf of my firm, P. Shuttleworth and Co., that a Court should be called according to Moorish law, that I may make an application to have the arbitration between my firm and the firm of Solomon Moses Pariente and Co. set aside, as the decision is against the documentary evidence; also that certain evidence was not put in. I demand also that the evidence be taken on oath, and that the defendant in this case shall be sworn in a manner binding on his conscience."

A translation of this letter was transmitted to Hadj Mohammed Torres, the Moorish Commissioner for Foreign Affairs, who replied that he could not entertain the application so long after the delivery of the award.

This reply was communicated to Messrs. Shuttleworth's attorney, and I informed

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Mr. Cornwell that, under the circumstances, I did not feel justified in insisting on the award being set aside. I added that it appeared to me that his only course was to challenge the accounts, should he consider them inaccurate, and require that they should be examined by competent persons, and at the same time to proceed against the various persons who had purchased the goods in question and not paid for them.

Mr. Pariente now instituted an action in the Consular Court on account of his claim for 2000 lrs. 2d., Mr. Cornwell accepting service of the summons and appearing to defend the action.

The case came before me, sitting with two Assessors, one of whom by the way was Mr. Mann, the solicitor who is now acting for Messrs. Shuttleworth and Co. in this matter.

After a careful hearing of the case, Judgment was given for Mr. Pariente for 777 lrs. 6d. only, both Assessors concurring in this decision.

Mr. Cornwell left Tangier before the Judgment could be enforced, and Mr. Pariente then instituted an action in the High Court of Justice of England founded on the Judgment.

Messrs. Shuttleworth replied with a counter-claim, presumably the same as had been referred to arbitration here.

On the 15th July, 1887, Mr. Mann, on behalf of Messrs. Shuttleworth and Co. addressed a letter to Mr. de Visser, Acting Consul in my absence, inclosing copy of a Judgment of the High Court, ordering that Mr. Pariente's reply to the counter-claim be struck out for failure to comply with an order for discovery of documents, and that Messrs. Shuttleworth and Co. recover against Mr. Pariente 437 lrs. 2s. 3d.

Mr. Mann requested Mr. de Visser to cause proceedings to be instituted in the Danish Consular Court, Mr. Pariente being under Danish protection.

On an application in this sense he, Mr. de Visser, Mr. William Kirby Green, Esq. replied that, the question being one which was pending before Danish protection was granted to Mr. Pariente, he (Mr. Pariente) must, by the terms of the Madrid Convention, revert to Moorish jurisdiction for the purposes of this case.

Mr. Mann was accordingly referred to the Moorish Consul-General for Foreign Affairs, Cid Hadj Mohammed Torres, who immediately summoned Mr. Pariente before him and called upon him to answer to the claim. He replied that the subject-matter of this claim had two years previously been disposed of before the Moorish Commissioner (alluding, no doubt, to the arbitration), but Mr. Mann objected that the claim so settled was presumably a different one from that now before me, and that Mr. Pariente had himself invoked the jurisdiction of the British Court at Tangier, and that he should be made to accept its jurisdiction. Mr. Mann then suggested that the parties, saying that he would in any case do the better of the two.

(Signed) HERBERT F. WHITE.

Tangier, December 22, 1887.

Inclosure 2 in No. 4.

(Translation.)

Contract of Partnership between Messrs. David Bensaude, of London, Solomon Pariente, of Tangier, and Aser Levy, of Fez, with a view of doing business at Tangier, Fez, Marseilles, London, &c., and Europe.

1. THE business at Tangier shall be under the style of "Solomon Pariente and Co.," Mr. Solomon Pariente alone having the power to use the signature aforesaid.

2. Mr. S. Pariente binds himself to execute the orders which may be sent him by Aser Levy from the firms that the latter may indicate in London or elsewhere (should Mr. Pariente think it beneficial to do so), to receive all goods and pay all expenses thereon, and to send account of same to Aser Levy, clearly defined, without charging the other partners anything by way of self-remuneration for his services. He is equally bound to procure the funds which may be required by Aser Levy for the purchase of produce for export when the business shall appear to him favourable for all parties. He will receive and forward to the destinations he may deem fit all the produce which may come to him from Fez, and shall charge nothing for his work. He (Mr. Pariente) is equally bound to do all that is usual between partners in

business, and not charge his partners with any expenses, in goods or produce, which may not be current, or which may be over and above what he actually pays.

3. Mr. David Bensaude binds himself to attend to the execution of orders sent by Solomon Pariente, to superintend all the work on his side, without any profit or remuneration for himself, and to follow the instructions which may be sent him from Tangier respecting sales or purchases. As to the orders which may be sent direct by Solomon Pariente to other firms, Mr. Bensaude shall only superintend them, allowing the firms to give their usual conditions as regards commissions, interest, &c.

4. Mr. David Bensaude shall have no other responsibility in connection with this business beyond the purchase of goods and the sales of produce, which shall be under his personal supervision.

5. On the other hand, the other partners, Solomon Pariente and Aser Levy, shall have no responsibility in connection with other business which the said Mr. David Bensaude may do elsewhere.

6. Mr. Aser Levy engages to attend to the business at Fez, Mequinez, and surroundings. He shall give the business the benefit of his work and experience without any special retribution. He shall furnish, by every courier of the subscriber, true statements of his sales, purchases, credits given, &c., i.e., a faithful copy of his day-book, everything with its corresponding date, in order that entries may be made at Tangier. He will do all what is necessary for the interests of the partnership. Should he have occasion to sell goods on credit, he must select solvent persons, and in case the house at Tangier should write him not to trust any person with more, he must at once close the credit.

7. In the purchase of produce Mr. Aser Levy shall follow the instructions of Mr. Pariente in every way.

8. The partnership shall keep proper books in the usual business way; each partner shall account to Tangier for his respective portions, that such may be sent at the proper season.

9. At the end of every year Mr. Pariente shall make up the account of every transaction done on account of the partnership, and send to each partner a copy of the balance-sheet, showing profits and loss, and the share of each of them.

10. Should Messrs. Solomon Pariente and Co. receive any agency in the name of the firm Mr. Aser Levy shall attend to it at Fez and Mequinez, and leave the profits for the common account, and the same shall be paid for any commission which Mr. Aser Levy may receive from other firms.

11. The net profits of the business shall be divided into three equal shares, one-third for Mr. David Bensaude, one-third for Mr. Solomon Pariente, and one-third for Mr. Aser Levy. The losses shall be divided accordingly.

12. Rent of stores and all other expenses incurred for account of the partnership by Aser Levy shall be charged monthly.

13. Each of the partners aforesaid binds himself to do all his best for the benefit of the joint partnership, and should two of the partners agree upon any subject the third partner is bound to accept it, provided always that such a decision is for the benefit of the partnership. The main point is that Mr. David Bensaude on his side, and Mr. Aser Levy on his, shall consult Mr. Pariente on their respective transactions, and follow the orders of Tangier (which is the managing house under Mr. Pariente's direction, and has full power).

14. Should any of the partners (at Fez) do any business besides that of the Company, and the other partners consider it prejudicial to the partnership, such partner is bound to withdraw from such business on being requested to do so by his partners (except Mr. D. Bensaude, who is empowered to do business at Fez and elsewhere).

15. Notwithstanding all these stipulations, Mr. David Bensaude is free to do business at Fez and elsewhere without interference on the part of his co-partners in any respect whatsoever.

16. This agreement remains in force from the 1st day of the month of April, 1887, for the term of one year, but should Mr. Pariente consider at any time that the business cannot be profitable he can order a liquidation of the business and a settlement of accounts without delay, and he has the power of giving personally or sending a deputy to Fez for the purpose of liquidating.

17. None of the partners can infringe these conditions without a written authority from the others, and in order to render these valid and binding three copies of the present shall be written out, one for each partner.

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(Should it appear to the partners at any future time that those conditions can be modified they can do so with mutual consent.)

(In English.)

(Subject to certain modifications and alterations in the above Articles, Tangier, 17th April, 1885.)

(Signed) DAVID BENSAUDE.  
SOLOMON M. PARIENTE.  
ASER LEVY

Witness of the signatures of David Bensaude, Solomon M. Pariente, and Aser Levy.

(Signed) L. A. COHEN.

N.B.—All words crossed out and additions between parentheses are Mr. Bensaude's corrections.

(Signed) L. A. C.

Inclosure 3 in No. 48.

Agreement made this 9th day of April, 1885, between Messrs. Frederick Shuttleworth and Co., of London and Mr. Solomon Pariente, of Tangier.

1 WHEREAS differences and disputes have arisen between said parties, with regard to the payment of the sum of 144 16s. 6d. claimed by the said Messrs. Frederick Shuttleworth and Co. from the firm of Solomon M. Pariente and Co. of which firm the aforesaid Solomon Pariente is the representative member, and for the purpose of putting an end to such differences and disputes, the said parties have agreed to refer the same to arbitration, as hereinafter mentioned. It is agreed as follows:—

2 The said parties agree to refer to Mr. Thomas Armstrong and Mr. Rodolfo Vidal, and Mr. Moses Benasayag, and Mr. Levy A. Cohen, the differences and disputes aforesaid, so that the award of the said Arbitrators or their Umpire be made on or before the 30th day of the present month, or such further time as they or he shall by indorsement hereon appoint, but no later than the 31st day of May, 1885, such award to be final and binding upon both aforesaid parties.

3 This submission may be made a rule of Court.

4 At any time before making this award the said Arbitrators may by writing under their hands, appoint an Umpire. The Umpire may be appointed by the Acting Moroccan Minister for Foreign Affairs or Her Britannic Majesty's Consul at Tangier.

5 The said Arbitrators or their Umpire shall have authority to require from either of the said parties such accounts, statements, and explanations as may be required.

6 The costs of this reference, and of any acts which either of the said parties may be directed to do or submit to as aforesaid, and the costs, charges, and expenses attending the preparation of any written instruments which either of them may be directed to sign or execute as aforesaid shall be in the discretion of the Arbitrators or their Umpire.

Witness our hands this 9th day of April, 1885.

(Pro Fred. Shuttleworth and Co.),

(Signed) HAESSNER AND JOACHIMSSOHN.  
SOLOMON M. PARIENTE

Signed in my presence by the above-mentioned Haessner and Joachimsohn and Solomon M. Pariente.

(L.S.) (Signed) HORACE P. WHITE.

Her Majesty's Consul.

Tangier, April 9, 1885.

We, the Undersigned, resolve that the term for award be extended to the 31st May, as provided by Article 2.

(Signed) R. VIDAL.  
MOSES BENASAYAG.  
L. A. COHEN.  
(Pro Thomas Armstrong),  
R. VIDAL.

Tangier, April 30, 1885.

Inclosure 4 in No. 48.

Award of Arbitrators

THE undersigned Arbitrators, appointed by Messrs. Frederick Shuttleworth and Co., of London, and Solomon Moses Pariente, of Tangier, for the purpose of deciding the existing differences between them regarding a sum of 144 16s. 6d., which the said Frederick Shuttleworth and Co. claim from Solomon M. Pariente for alleged balance of account of goods shipped by the former to S. M. Pariente and Co., of Tangier and Fez, do declare hereby:—

1 That we gave full notice to both parties, to wit, to Solomon M. Pariente personally, and to Frederick Shuttleworth and Co. through their agents and authorized attorneys Messrs. Haessner and Joachimsohn, to produce, at a given time and place, all books, accounts, correspondence, and other documents bearing upon the case at issue which either or both may have in their respective possessions, and may throw light on the subject.

2 That, after careful and minute examination of all documents produced by both parties, after hearing all what each had to say in support of his case, after taking into consideration all circumstances of the case, and finally, after both parties had declared in writing that they had no further evidence to produce, we arrived at the unanimous findings hereafter mentioned, and award as follows:—

3 That Solomon M. Pariente is not liable for the sum of 144 16s. 6d. claimed from him by Frederick Shuttleworth and Co.

4 But that Solomon M. Pariente is bound to give to his principals, Frederick Shuttleworth and Co., a full and true account of all the transaction done by him at Tangier, Fez, and elsewhere under the style of S. M. Pariente and Co., and give every detail of profits, losses, and expenses incurred in all their transactions, and satisfactorily account for all goods and moneys received by him from all sources in connection with the said business of S. M. Pariente and Co.

5 That he the said Solomon M. Pariente shall when called upon to do so by Frederick Shuttleworth and Co., but not later than two months of the present date, exert his last efforts to recover all debts, realize all goods and assets belonging to the said business of S. M. Pariente and Co., claiming no other retribution of his services excepting one third share of the net profits, if any.

6 That Solomon M. Pariente shall pay, with as little delay as possible, into the hands of Frederick Shuttleworth and Co., or their lawful representatives, any balance which may be proved against him as remaining in his hands after giving a full and detailed statement of accounts, not later than the calendar month from the present date.

7 All expenses attending this arbitration shall be equally borne by both parties, each paying one-half; and all expenses incurred by either party outside of this arbitration shall be borne by him or them.

In witness whereof we give these present under our hands, at Tangier, on the 12th May, 1885.

Arbitrators  
(Signed) THOMAS ARMSTRONG.  
MOSES BENASAYAG.  
L. A. COHEN.  
RODOLFO VIDAL.

Inclosure 5 in No. 48

Judgment of Consular Court.

In Her Britannic Majesty's Court for Morocco, held at Tangier, Civil Jurisdiction.

Between Solomon M. Pariente, Plaintiff,  
and  
Frederick Shuttleworth and Co., Defendants.

THIS action coming on for trial this day before me, Herbert Edward White, Her Britannic Majesty's Consul, and Mr. Frederick James Mann, Mr. David McLeod, and Mr. Joseph Laury, sitting as Assessors, in the presence of the plaintiff and Mr. Thomas Edward Cornwall, one of the defendants, this Court, on hearing the evidence and what was alleged by the parties on both sides, declares that the plaintiff

has proved that he is entitled to recover from the defendants the sum of 771. 18s. 6d., and no more.

And this Court orders and adjudges that the said plaintiff do recover against the said defendants the sum of 771. 18s. 6d. for their debt as balance of accounts in this action, and it is ordered that the said defendants do pay the same to the said plaintiff forthwith.

Given under the seal of the Court this the 29th day of April, 1886.

(L.S.) (Signed) HERBERT E. WHITE.  
Her Majesty's Consul.

Inclosure 6 in No. 48.

Judgment of High Court of Justice.

In the High Court of Justice, Queen's Bench Division.

[1886. P. No. 1489.

Between Solomon Moses Pariente, Plaintiff,

and

Frederick Shuttleworth and Co., Defendants.

April 23, 1887.

PLAINTANT to the order of Master Manley Smith, dated the 21st April, 1887, whereby it was ordered that the plaintiff's reply to the defendants' counterclaim be struck out, and that defendants be at liberty to sign judgment for the amount of the said counter-claim and costs, the plaintiff having failed to comply with an order for discovery of documents.

The above costs have been taxed and allowed at 211. 8s. 3d., as appears by a taxing officer's certificate, dated the 3rd day of May, 1887.

(Signed) Plaintiff's Solicitor.

No. 49.

The Marquis of Salisbury to Señor del Mazo

M. l' Ambassadeur,

Foreign Office, January 26, 1888

WITH reference to the inquiry contained in the note verbale which your Excellency was good enough to communicate to me on the 20th instant, I have the honor to inform you that the question of the "cartels" tax in Tunis is still under the consideration of Her Majesty's Government, who have not as yet arrived at any decision as to the action to be taken in the matter.

I have, &c.  
(Signed) SALISBURY.

No. 50.

M. Masera to M. Crispin.—Communicated to the Marquis of Salisbury by M. Catalan, January 27.)

(Translation.)

M. le Ministre,

Tangier, January 2, 1888.

BY my despatch of yesterday I transmitted to your Excellency the text of the draft Treaty agreed upon by the French and Spanish Representatives here, which ought to form the basis for discussion at the approaching Conference.

The upshot of this Agreement is that protection should be maintained, but that it should no longer have the effect of withdrawing the protected individuals from the jurisdiction of the local authorities. The protected persons would, therefore, in future enjoy no other privilege besides that actually granted to them by Articles III and XXXVI of the Treaty between Morocco and Great Britain of 1856, and by the corresponding Articles (III and XXV) of the Treaty between Morocco and Spain of 1861, that is to say, that they would not pay any tax besides land tax ("impôts agricoles") and that in case of war they would have the power of leaving Morocco with their families and goods, besides certain facilities for winding up their affairs (see inclosure).

These privileges are so small that if protection entailed nothing more, the practice as now understood in Morocco might be said to be abolished, and the question at once arises if it would not be simpler to declare it altogether suppressed.

But the draft contains a provision which, if it were not explained and determined, would result in the principle that protected persons should again come under local jurisdiction being continually transgressed in practice, although proclaimed in theory. This provision is the one by which all persons, without distinction, in the service of a foreign Mission or Consulate, or even simply of a foreigner established here (and therefore dragomans, guards, brokers, commercial employes, bailiffs' servants, &c.) "ne pourront être poursuivis," with all the Consular authority being informed. What meaning is to be given to the words "ne pourront être poursuivis"? And what will be the duty of the Consular officer when he has received this information from the local authorities?

From my Report of the 30th December, on the subject of protections, your Excellency will have gathered that it is not the Treaty, but the usurpations of the foreign Missions and the weakness of the Sheressian Government, which have produced the present abuses. I explained how the Agreement of 1863 and the Convention of Madrid, notwithstanding the intentions of the Contracting Parties, had not changed the situation. If the protections and the interference of foreign authority is kept up, it is doubtful if a fresh Treaty would have greater efficacy.

The compilers of the draft were aware of this, as is proved by the provisions of Articles X and XII. By the order to the brokers to keep a suitable register, it was evidently intended to obtain a guarantee that the commercial operations carried on by them really were for a foreign house, and by making a public Act necessary for every agricultural enterprise it was desired to prevent strangers established here being a cloak for natives wishing to withdraw themselves from the local jurisdiction.

But besides this, the fact that the Consular Agents on the coast are not permitted to interfere with the majority of the Consular Agents on the coast are merchants. It would be very unsatisfactory to give them such a right of continual interference in the affairs of other merchants. As laid down by Article X, it would be a mistake to suppose that this would put an end to the present frauds. In the same way as the European merchants now give commissions to sham brokers, we shall find for the future sham registers and sham contracts, in order to claim the advantages of the Consular authority.

In addition, there are two points in the draft which should be well weighed.

1. It places in the same category the natives in the service of the Legations, Consulates and those who provide service of individuals. Yet it is evident that there is a difference between the interpreter of a foreign Mission and the clerk of a merchant established here. In the matter of jurisdictions the natives of the foreign Missions and Consular officers are to such a degree the dependants of the Legations that it is impossible to leave them under the local jurisdiction. For instance, with what authority could the interpreter who had a substantial business to do with the local authorities hold an energetic language if it were considered necessary? And how could a Consul consent to a guard, who had through bribery failed to carry out effect a warrant of arrest when ordered to do so, being tried by the local authorities? The Sheressian Government have the right to ask that this exemption from jurisdiction should only apply to those of their subjects who are really in the public service of Diplomatic and Consular offices, but within those limits I consider it necessary.

2. Article XVI of the draft Treaty suppresses the so-called customary protection. I have already had occasion to express the opinion that in their substance they have never been anything but abuses, which ought to be suppressed. But, as I explained, there is a situation created by Article XVI of the Madrid Convention which the Powers could not, considering their signatures affixed to the said Convention, destroy by a stroke of the pen.

As a transitory provision, the draft Treaty proposes, if I have well understood its sense, that citizenship should be conceded to at least a few among these protected persons. And it seems to me that the remedy is worse than the disease, because protection lasts as long as life, while citizenship is a permanent condition. For legislation in particular is concerned, with the exception of Signor Toledano, who for more than forty years has served us in the capacity of interpreter, and of Signor Almoneda, who has been in our service for many years, and who should not be able to find a single one among the thirty-one individuals inscribed in our registers as being our protectors in virtue of customary law, whom I could

conscientiously recommend to the King's Government as deserving of the rights of a citizen for services rendered.

However, as I telegraphed to your Excellency, the project agreed upon by MM. Diosdado and Péraud cannot, in my opinion, be called unacceptable *a priori*, but it offers, on the contrary, a good basis for discussion as regards the protections.

But the most serious objection which can be made against the draft is that its principal object appears to be to limit the work of the Conference strictly to paraphrasing and revising the Madrid Convention. It would therefore not seem to be the task of the meeting to obtain, as a compensation for the concessions which are being made to the Sultan, that increased liberty of commerce which has been already the object of negotiations, and forms the principal wish of the foreign traders established here. In alluding to this argument, Señor Diosdado remarked to me that the principal objection made until now by the Sultan was the impossibility for him to aggravate further the system of protections, that when these were removed he would be morally obliged to give way to the requests of the Powers—but that it was better to proceed in an orderly manner, and not to found one question with another.

In this respect we should well understand ourselves. No one wishes the Sultan to fulfil in a moment what for Morocco is an economic revolution; it is enough that he should bind himself to proceed with it within a stated epoch. But this obligation must appear in no doubtful manner, so that, when the protections are abandoned, and this Government should have recourse to their usual delays and tergiversations, the Powers should be able to insist, no longer in the position of suppliant, but of Contracting Parties who demand the fulfilment of an obligation.

It is true that so far Italy has no commercial interests of any importance, but on account of the rival ambitions of which the Empire is the object, she must desire that the Sacerdotal Government should enter on such a path as to gain the sympathy of Europe.

Nor must I hide from your Excellency that this sudden agreement between the two Powers who seem to have the most opposite interests has caused me to feel a sentiment of distrust which is entirely shared by the British Minister; and all the more as this agreement seems to have been made on the basis of the communications which passed between the two States in 1884, and were reported to the Ministry by Baron Blane in his despatch of the 26th June of that year, among which was an understanding that joint diplomatic action should be taken in Morocco respecting the cases when the Convention of 1880 should be applied.

Quite recently, Count Benomar declared to Her Majesty's Chargé d'Affaires at Berlin that the Cabinet of Madrid now considered the engagements of 1884 vain, and seeing them reappear at the eve of the Convention gives food for reflection.

(Signed) MATSRA

#### No. 51.

*Sir E. Monson to the Marquis of Salisbury.—(Received January 27)*

(No. 8.)

My Lord,

*Copenhagen, January 25, 1888.*

I ASKED M. Vedel yesterday whether the Danish Government intended to participate in any way in the Conference to be held at Madrid on the question of the modification of the Convention of 1880 respecting the rights of foreign protection in Morocco.

M. Vedel replied that the Danish Government has been formally invited by that of Spain to take part in the Conference. That Denmark has practically no interest in the question, having no subjects resident in Morocco. That there is no Danish Minister either at Madrid or Tangier, but that Sir W. K. Grey Green has succeeded Sir J. Drummond Hay in the charge of Danish interests in Morocco. And, finally, that as upon this occasion the foreign Representatives at Tangier are not to sit at the Conference, the King's Government will probably request that Sir Clare Ford (who is well known to them from his former connection with the British Legation here) may be authorized to represent Denmark at the Conference in any way and to any extent that such representation may appear to be expedient.

I have, &c.  
(Signed) EDMUND MONSON.

#### No. 52.

*The Marquis of Salisbury to Sir W. White.*

(No. 21. Confidential)

*Foreign Office, January 27, 1888.*

Sir,

I HAVE received your Excellency's despatch No. 15, Confidential, of the 14th instant, relative to the frontier between Tunis and Tripoli. Your Excellency's proceedings in this matter, and your intention to maintain a strict reserve in regard to the explanations recently offered to Her Majesty's Ambassador at Paris by M. Flourens, are entirely approved by Her Majesty's Government.

I am, &c.  
(Signed) SALISBURY.

#### No. 53.

*Señor del Mazo to the Marquis of Salisbury.—(Received January 30.)*

(Translation.)

My Lord,

*Spanish Embassy, London, January 28, 1888.*

I HAVE the honour to acknowledge the receipt of your Lordship's note of the 26th instant, informing me that Her Majesty's Government have not as yet come to any decision on the subject of the tax of the "carroba" in Tunis.

In requesting your Lordship to be good enough to let me know as soon as anything is settled with reference to this matter, I avail, &c.

(Signed) C. DEL MAZO.

#### No. 54.

*Count Reventlow to the Marquis of Salisbury.—(Received January 30.)*

M. le Marquis,

*Légation de Danemark, Londres, le 28 Janvier, 1888.*

LE Ministre d'Espagne a Copenhague vient de communiquer au Gouvernement du Roi une Circulaire du 1<sup>er</sup> Décembre dernier, par laquelle le Gouvernement Espagnol invite les autres Gouvernements, qui ont signé la Convention du 3 Juillet, 1880, à une nouvelle réunion de la Conférence Internationale à Madrid, dans le but d'examiner de nouveau, conformément au désir exprimé par le Gouvernement Marocain, la question relative au Protectorat exercé par les Représentants des Puissances étrangères au Maroc.

Le Gouvernement du Roi est, en effet, tout disposé à s'associer aux autres Puissances, qui, pour autant qu'en sache le Gouvernement Royal, ont accepté la proposition de la reprise de la Conférence. Il se présente, cependant, la même difficulté qui s'est présentée déjà lors de la réunion de la Conférence en 1880: le Gouvernement du Roi n'est pas représenté diplomatiquement en Espagne, et, d'autre part, la question du Protectorat au Maroc n'a pas pour le Danemark, une importance assez grande pour que, sans l'appui du Gouvernement, il y ait lieu d'envoyer un Drapeau Spécial à Madrid. Cette difficulté fut surmontée en 1880 grâce à l'obligeant concours du Gouvernement Britannique, qui ainsi que se rappelleront sans doute votre Excellence, a bien voulu consentir à charger son Ministre à Madrid de représenter également le Gouvernement Danois à la dite occasion.

Or, le Gouvernement du Roi ayant tout le temps envisagé la question, dont il s'agit, du même point de vue que le Gouvernement de Sa Majesté Britannique, et ayant de plus été représenté jusqu'ici à Tanger par le Ministre d'Angleterre, mon Gouvernement croit pouvoir se flatter de l'espoir que le Gouvernement Britannique ne trouverait peut-être pas d'inconvénient à se charger également à Madrid—ainsi qu'il a bien voulu faire en 1880—de la représentation des intérêts du Danemark en ce qui concerne le règlement de cette question du Protectorat au Maroc.

J'ai donc l'honneur, conformément aux instructions reçues, de demander à votre Excellence si le Gouvernement de Sa Majesté Britannique serait disposé à instruire son Représentant à la Conférence prochaine à Madrid de représenter aussi le Danemark à cette Conférence.

Veillez, &c.  
(Signé) F. REVENTLOW



*The Earl of Lytton to the Marquis of Salisbury.—(Received January 31, 7.30 P.M.)*

(No. 5. Confidential.)  
(Telegraphic.)

*Paris, January 31, 1888, 6.5 P.M.*

FRENCH Minister for Foreign Affairs says that he has heard from French Minister at Madrid that Spain proposes to invite the Porte to join the Conference respecting Morocco. He could not agree to this, as it would not only be objectionable to the Sultan of Morocco, but might complicate discussion by questions respecting Capitulations. His Excellency considers that those Powers only who took part in the last Conference should assist at the coming meeting. He has not heard of this proposal from the Spanish Ambassador here, and wishes to know whether any report of the kind has reached Her Majesty's Government.

No. 56.

*The Marquis of Salisbury to Mr. J. G. Kennedy.*

(No. 16.)  
Sir,

*Foreign Office, January 31, 1888.*

I TRANSMIT to you herewith copy of a despatch from Her Majesty's Consul at Tunis relative to a Decree which has been recently issued by the Bey of Tunis for assessing house property for purposes of taxation,\* and I have to request that you will communicate the substance of Consul Sandwith's Report to the Italian Government, and inquire of them what steps they propose to take in the matter.

I am, &c.  
(Signed) SALISBURY

No. 57.

*Sir Clare Ford to the Marquis of Salisbury.—(Received February 1.)*

(No. 8.)  
My Lord,

*Madrid, January 22, 1888.*

I HAVE the honour to transmit herewith to your Lordship copies in duplicate of a Red Book which has been presented to the Cortes by the Ministry of State, and which was sent to me last evening by Señor Moret, the Spanish Minister of State.

Three subjects are treated of in this publication, namely, the Franco-English Convention concerning the Suez Canal, the temporary cession to Spain by the Italian Government of a coaling station in the Red Sea; and the proposed Conference to be held in Madrid on the affairs of Morocco.

I have the honour to inclose herein a précis of the documents contained in the book.

I have, &c.  
(Signed) FRANCIS CLARE FORD

Inclosure in No. 57.

*Précis of Extract from the Spanish Red Book.*

Morocco.—The third and last part of the Red Book begins with a telegram from our Minister of State (1st October, 1887) addressed to the Representatives of Spain in Paris, Berlin, London, Rome, and Vienna, informing them of the serious character of the news received respecting the health of the Emperor of Morocco, and that, in view of the events to which his demise would give rise, Spain was sending troops to the fortresses in Africa.

The Circular of the 2nd October follows, in which it is stated that the Sultan of Morocco informed the Spanish Embassy received by him in Rabat that much harm was done to his authority and to the progress of his people by the "protection system" as established at the Madrid Conference of 1880.

\* See Part XV, No. 380.

The following paragraph appears in this document:—

"The Spanish Government, having determined to support the legitimate aspirations of the Sultan, and being convinced that a modification of the protection system will give great facilities to European commerce in Morocco by permitting the Sultan to undertake a system of reforms in accordance with his own principles and laws, has already initiated negotiations, and will shortly invite the Powers to reassemble at the Conference, in the meanwhile, they have the satisfaction of seeing that the other Powers are of the same opinion, and are anxious to see established the territorial and political *status quo* of Morocco, without hindering the improvement of the Empire and its progress."

A very remarkable Circular addressed by Señor Moret to the Spanish Representatives abroad follows (5th October, 1887), and traces out the policy which the Spanish nation is following with respect to Morocco.

Another despatch follows on the political situation of the Moorish Empire; despatches stating that England is sending vessels to Tangier to protect British subjects; notes to foreign Governments stating that Spain is anxious to maintain the *status quo* in Morocco, and replies from the Cabinets of Europe.

Then follows the Circular of the Spanish Minister of State inviting the Powers who signed the Convention of 1880 to a new Conference to be held in Madrid, and the replies to this Circular, and despatches accepting the invitation to a Conference from Belgium, Holland, Austria, England, Portugal, Italy, Germany, Turkey, United States, and Russia.

No. 58.

*Sir W. K. Green to the Marquis of Salisbury.—(Received February 1.)*

(No. 12. Confidential.)

My Lord,

*Tangier, January 23, 1888.*

WHILST calling on Señor Diosdado this afternoon he told me that he had yesterday discussed anew with M. Féraud the arrangement which they had recently arrived at concerning the modifications to be introduced in the Convention of Madrid of 1880 at the approaching Conference (vide inclosure in my despatch No. 148, Confidential, of the 27th ultimo).

The Spanish Minister said that the Agreement in question had been drawn up in too hurried a manner, and that it was advisable to revise it otherwise when it came under the consideration of the Conference the assembled Delegates would at once perceive that he and the French Minister had not paid due attention to the connection that should exist between all the Articles of their proposal. Señor Diosdado therefore suggested to M. Féraud that they should recast their Agreement, and thus strike out of it altogether Article XVI, which is really in contradiction with the principle established in Article I.

The French Minister, however, replied that, having received telegraphically the approval of M. Plé of the arrangement come to with Señor Diosdado, he did not feel at liberty to reopen the matter. But he saw no reason why Señor Diosdado should not have the objections which had arisen in his mind as to Article XVI made known to the French Ambassador at Madrid through the Spanish Government.

I may here observe to your Lordship that I have reason to believe that Señor Diosdado's endeavour to strike out the obnoxious Article has arisen to instructions from Madrid, where evidently the Agreement between him and M. Féraud has not been viewed as likely to bring about the removal from under French protection of the Sherceef of Wazan. I had the honour of expressing to your Lordship a similar estimate of the value of the Agreement in connection with the Sherceef's retention under French jurisdiction in the concluding portions of my despatch No. 150, Confidential, of the 30th ultimo.

I have, &c.  
(Signed) W. KIRBY GREEN.

*Mr. D. Mackenzie to the Marquis of Salisbury.—(Received February 1.)*

My Lord,

105, Leadenhall Street, January 31, 1888.

I AM pleased to learn from public announcements that there is a fair prospect of a European Conference being held shortly on the affairs of Morocco.

The question is one in which I have taken a deep interest for a long time. In 1880 I had the honour to address a Report on the condition of the Moorish Empire to the late Earl of Iddesleigh, which was composed from personal knowledge and observation, and the verbal and written Reports of officials and respectable European residents at all the Moorish ports which I visited that year. I was materially assisted in this inquiry by Sir John H. Drummond Hay, who made an important statement on Moorish affairs, which appears in my Report. It occurred to me that in view of the proposed Madrid Conference, my Report on Morocco might be of some slight service. I have therefore much pleasure to forward a few copies for your Lordship's kind acceptance. I may state that this Report has been translated into Spanish, and published in the "Archivo Diplomatico" and other Spanish papers.

I venture to address your Lordship a few observations with reference to the proposed Madrid Conference. The protégé system is, I understand, one of the main questions to be considered. There is no doubt in my mind that if this matter is carefully inquired into it will be found that it has considerably weakened the authority of the Moorish Sultan over his subjects, reduced his revenue, and inflicted untold misery on the unprotected inhabitants of Morocco. Instead of assisting commerce, which, I have no doubt, was the motive that induced the Powers to adopt such a measure, has retarded it, and made the name of Europeans hateful to the Moors. Until the system is remodelled, Christian Powers cannot expect to obtain from the Sultan further commercial privileges other than those granted more than thirty years ago. Protection has been used as an engine of extortion and vil any by unscrupulous Europeans and protected Jews and Mohammedans, and the thousands of poorer natives who fill the loathsome Moorish dungeons is the result of protection as at present existing in Morocco. But in dealing with the question of protection, if the Powers agree to abolish it something must be established in its place to give security to legitimate commerce, yet without undermining the Sultan's authority or diminishing the revenue of his Governments, and free from corruption, which is the bane of official life in Morocco. This can, in my opinion, best be accomplished by the establishment in Morocco of Mixed Courts, that is to say, of Courts composed of Arab and Kadi, presided over by one of the Consuls or Vice-Consuls in rotation, these Courts to be open to all classes, Christians, Mohammedans, and Jews: that there should be a legal Vice-Consul attached to each Legation, who could make periodical journeys along the coast, and that the Tribunal at Tangier should be the Court of Appeal.

If this question could be arranged on a satisfactory basis it would materially help to promote the commerce of the country, and the happiness and prosperity of the natives. It would also tend to open up Morocco to European capital and enterprise, and consolidate the power of the Sultan over his subjects. There is another measure that should, I think, receive serious attention at the hands of the Conference, that is, the advisability of appointing European Consuls to reside at the Moorish capitals, viz., Fez and Morocco, the usual seat of Governments. The result of such a measure would be that many Europeans would establish themselves in the capitals, and would thus bring them into direct contact with the natives of the interior, which would facilitate commercial intercourse. The appointments of Consuls would also be of a great diplomatic advantage. The European Consuls would always be near the Sultan and his advisers, and they could transmit reliable information to their respective Ministers. At present, Ministers have only periodical opportunities of coming in contact with the Sultan, and such visits generally last only a few days, and the information they obtain is generally gathered from natives, who, as a rule, are looked upon with distrust by Moorish officials. European Consuls would be treated in a very different manner. They would be trusted and respected by the Sultan's advisers.

With regard to a new Treaty of Commerce, I hope the question will be considered at the Conference. It is now over thirty years since the last Treaty was made, which the import duty of 10 per cent *ad valorem* is perfectly reasonable, yet the export duty is in many cases prohibitive. Barley and wheat are not allowed to be exported, and the duty charged on other grains, seeds, and other products, is in some

cases higher than the price of the goods in the open markets. This only tends to cripple the export trade, and materially affects the import trade also. The Sultan's revenue suffers very much by this short-sighted policy: I therefore consider it is very important to commerce that the Conference should demand from the Sultan a new Treaty of Commerce, which would permit the export of all Moorish products on the payment of moderate duties, also to give the right to Christians to acquire land and build houses. At present they are only able to do this at Tangier. The Slave Trade is another question that demands serious and careful attention, and some effort should be made by the Powers to put an end to this scandalous Traffic. Last year I presented to the Sultan a Petition on this question from the British and Foreign Anti-Slavery Society, which, I trust, may be followed up by a Treaty for abolishing the Slave Trade. For several years past the Anti-Slavery Society has directed special attention to Morocco, and its action, which received the support of Her Majesty's Government, has led to the closing of the slave markets in the port towns. I trust this Society will continue to receive your Lordship's support in their labours in behalf of the down-trodden races of Morocco.

I have, &c.  
(Signed) DONALD MACKENZIE.

Inclosure in No. 59.

THE Right Honourable Sir John H. Drummond Hay, K.C.B., P.C., late Her Britannic Majesty's Minister at the Court of Morocco, addressed the following letter to Mr. Donald Mackenzie in reference to his "Report on Morocco," dated the 31st January, 1887:—

"Dear Sir,

"Your note of the 6th instant was forwarded, and reached me here yesterday. I have to thank you for your attention in forwarding me a copy of your Report. I had already read it, having received it through other channels. It is a very able Report, giving correct information in a very concise form. I hope it will aid in drawing attention in England to Morocco, which might become an important mart to our countrymen."

No. 60.

*Sir J. Pouncefote to M. Catalan.*

(Confidential.)

Dear M. Catalan,

Foreign Office, February 1, 1888.

LORD SALISBURY has requested me to send you confidentially, in accordance with your desire, the accompanying copies of despatches, as marked in the margin,\* from Her Majesty's Minister at Tangier, in relation to the question of foreign protection in Morocco.

I have, &c.  
(Signed) JULIAN PAUNCEFOTE.

No. 61.

*Sir E. Malet to the Marquis of Salisbury.—(Received February 2.)*

(No. 30. Confidential.)

My Lord,

Berlin, January 31, 1888.

I HAVE the honour to inclose herewith a copy of an extract of a despatch from the Spanish Minister for Foreign Affairs to the Spanish Ambassador at Paris respecting the projected Conference on Moorish affairs at Madrid. I am indebted for this document to Count Benomar, the Spanish Ambassador at this Court; his Excellency has also given a copy of it to Count Bismarck, who has informed his Excellency that the German Government proposes to take no prominent part in affairs relating to Morocco, but will rather base its action on that of Her Majesty's Government and of the Italian

Government. Count Benomar has in consequence been instructed to keep Count de Launay, the Italian Ambassador, and me informed of the progress of the negotiations.

I have, &c.  
(Signed) EDWARD B. MALET.

Inclosure in No. 61.

*Señor Moret to the Spanish Minister at Paris*

(Extract.)

*Madrid, le 18 Janvier, 1888.*

J'AI retardé ma réponse à la dépêche que votre Excellence m'a adressée en date du 5 courant, me transmettant la note que M. Flourens vous avait adressée le 4, parce que je voulais demander des explications à l'Ambassadeur de France.

Avant de faire des gestions pour la réunion de la Conférence, j'ai été à Paris pour m'entendre avec M. Flourens, et seulement après avoir eu sa conformité j'ai initié la négociation et communiqué aux autres Puissances la note du Sultan.

Pendant la négociation tout incident de quelque importance a été communiqué au Gouvernement Français par le prédecesseur de votre Excellence, ou bien par l'Ambassadeur de France à Madrid; conduite qui en permettant à M. Flourens d'apprécier la marche des négociations préparait l'accord consigné dans ma dépêche du 1<sup>er</sup> Décembre, par laquelle l'Espagne invita les Puissances à la Conférence et proposa de demander préalablement à leurs Représentants à Tanger la rédaction du Mémoire.

Dans cette dépêche j'ai fait la définition du programme, et il était évident que, si les Puissances acceptaient l'invitation et envoyaient des instructions à Tanger dans les termes par moi indiqués, toute espèce de doute sur le programme avait disparu.

Le Livre Rouge que j'ai présenté aujourd'hui à la Chambre contient un résumé clair et complet des réponses des Cabinets, et votre Excellence pourra faire observer à M. Flourens que pas une seule des Puissances invitées n'a discuté les termes de l'invitation.

Le programme a été donc accepté, aucune Puissance n'a montré le désir de le modifier, et c'est pour cela que je ne m'explique pas pourquoi M. Flourens croit nécessaire de prendre une attitude spéciale et de se couvrir avec la réserve inespérée qu'il fait à la fin de sa note du 4. Si cette note ne signifie pas que le Gouvernement Français modifie son attitude réellement, la dite note, et surtout son dernier paragraphe, ont besoin d'être expliqués.

Par ce motif, puisque le Gouvernement Français fait halte de nouveau la question du Programme de la Conférence, j'ai cru de mon devoir de répéter encore une fois à M. Cambon que, quoique je suis disposé à m'entendre avec la France, je ne puis pas m'engager à empêcher que d'autres questions soient traitées, et spécialement celle des franchises commerciales. Comme votre Excellence sait, la France, d'accord avec l'Allemagne et l'Angleterre, et sans prévenir l'Espagne, a suivi des négociations à Tanger pour obtenir un nouveau Traité de Commerce avec le Maroc. Les négociations ont échoué par ce que le Sultan refuse de faire des nouvelles concessions si on ne lui accordait pas la modification du droit de protection, tel qu'il est exercé aujourd'hui par les Représentants des Puissances Chrétiennes au Maroc. Il est donc presque sûr que le Plénipotentiaire Marocain à la Conférence renouvellera les déclarations faites jadis par son souverain si cela arrive; la responsabilité n'appartiendra pas à l'Espagne, qui est restée complètement étrangère à la dite négociation commerciale. Nous devons rappeler ces faits à la France pour qu'elle voit qu'on se sépare alors des engagements qu'elle avait faits avec l'Espagne elle les a annulés et elle nous a rendu notre complète liberté d'action. Si, comme conséquence de ces faits, la question commerciale apparaît dans la Conférence, ce n'est pas à l'Espagne d'empêcher qu'une question que la France elle-même a mise dans le temps sur le tapis sans consulter et sans prévenir l'Espagne, soit discutée.

Il est très important de constater cela.

En vue de ce qui précède et de la position solide et correcte que l'Espagne a dans cette négociation, j'espère que votre Excellence fera comprendre facilement à M. Flourens l'impression défavorable que sa note du 4 m'a faite, et que votre Excellence obtiendra les explications auxquelles nous avons droit.

No. 62

*Sir E. Malet to the Marquis of Salisbury.—(Received February 2.)*

(No. 31 Confidential.)

*Berlin, January 31, 1888.*

My Lord,

IN my despatch No. 30 of to-day I have had the honour to transmit to your Lordship a copy of a document respecting the proposed Conference on Moorish affairs at Madrid, which has been given to me by the Count de Benomar, Spanish Ambassador at this Court.

I should explain that his Excellency was for some time Spanish Minister in Morocco, and still takes a lively interest in its affairs, and often speaks to me at length about them. In the present instance he was anxious that I should send to your Lordship the above-mentioned document, because he considered it to be necessary to the comprehension of the situation, although he had, in fact, received no instruction to communicate it either to the German Government or to me. He thought, therefore, that it might not have reached your Lordship through the Spanish Ambassador in London, who, he said, was not so well acquainted with affairs of Morocco, and, failing special instructions to that effect, might not have given a copy to your Lordship.

I have, &c.

(Signed) EDWARD B. MALET.

No. 63.

*Memorandum of Substance of Despatch, dated January 18, from Señor Moret to the Spanish Ambassador at Paris. (Communicated by Señor Del Mazo, February 2.)*

THROUGHOUT these negotiations the French Government have been kept informed of all incidents of any importance through the medium of your Excellency's predecessor, and through that of the Ambassador. They were thus enabled to follow in detail the course of the negotiations, and the ground was prepared for the Agreement communicated in my despatch of the 1st December, in which Spain invited all the Powers to assemble in Conference, their Representatives at Tanger having previously been instructed to draw up the Memorandum referred to in the despatch. That despatch laid down, in a manner excluding further discussion, the substance of the programme, and its limitation to the question of protection, and it was evident that if the Powers accepted the invitation, and sent their instructions to Tanger in the terms proposed, all doubt as to the programme would vanish.

The Red Book which I am to-day presenting to the Legislative Bodies contains a clear and complete summary of the answers returned, and from it your Excellency will perceive, and you will point it out to M. Flourens, that not only have I not changed my former attitude, but that not one of the Powers invited has dissented from the terms of the invitation.

The programme, then, has been accepted by every one, and in Europe meets it, no Power has expressed a wish to modify it. It is therefore inexplicable how M. Flourens can, in the face of these facts, think it necessary to take a special line, and, at the present stage of the negotiations, shelter himself behind the unexpected reserve contained in the concluding portion of his note of the 4th.

So much for the programme. As regards the preliminary agreement between the two Powers, the demand could not have been more ill timed, seeing that Señor Dussado had already at that date expressed to M. Fernand his opinion as to how the present system of protection should be modified, being certainly unable to foresee that at a moment when the French Government must have known the fact from their Minister at Tanger the Minister for Foreign Affairs would adopt an attitude which seemed strange to me the moment I was informed of it, but becomes more and more difficult to understand the longer I consider it especially as I see my ideas and impressions confirmed by those communicated to me by M. Cambon.

If, then, the note referred to does not imply that the French Government have relinquished their former attitude, if it is not prompted by and based upon a feeling of distrust as unfounded as it is inexplicable, surely the note, and especially its last paragraph, requires an explanation.

That given by the French Ambassador is satisfactory in so far as it entirely deprives the note of all its force, and converts the question into one merely of con-

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venience. M. Cambon says that, on account of your Excellency not having taken part in the negotiations from the beginning, and not being therefore acquainted with all the details, M. Flourens considered it a convenient moment to embody them in a note; but if that was his motive it would have been worth while to say so in so many words.

If the note had been written in October, it would have been proper and well-timed; written at this stage, it does not fit into the negotiations.

Under these circumstances, and in view of the fact that the French Government again raise the question of the programme, I have thought it my duty to repeat to M. Cambon that I cannot undertake to prevent any other questions closely connected with that of protection being raised at the Conference, especially the question of granting commercial liberties to foreigners, a question already brought to the front by the action of the French Government. I allude to the negotiations carried on last year by France in conjunction with Germany and England, without our being informed, with the object of obtaining a new Commercial Treaty with Morocco. These negotiations, as your Excellency is aware, came to nothing, because the Sultan refused to grant any new concessions until he should have been reinstated in his Sovereign rights by a change in the present system of protection. It is therefore certain that, when the Conference meets, Morocco will again bring forward her counter-proposal; and, if this should be so, the responsibility will rest with the nations which carried the question on to that ground, and especially with France. Spain had nothing to do with the question. She did nothing then, and does nothing now, but recall the facts to France, and explain to her that, by separating herself from us on that occasion, she restored to us complete liberty of action.

If, then, the consequences of that act become apparent at the Conference, it will not be for Spain (and I can give no engagement in the matter) to prevent the discussion and treatment of a subject which France herself brought to the fore without consulting us, and without counting with Spain. It is most important to put this on record.

My object to-day, in replying to the note of the 4th, is to place it on record that my attitude is so correct and well-defined that, instead of being confronted with the reserve and distrust evinced by that note, I have a right to be met with frankness, and to be furnished with an explanation of its meaning and scope.

I trust that your Excellency, sensible of the gravity of what precedes, and convinced that Spain occupies an unassailable position in this affair, will make M. Flourens understand the bad impression created by his note, and obtain from him those explanations to which we have a right after what I have stated above.

## No. 64

*The Marquis of Salisbury to the Earl of Lytton.*

(No. 2.)  
(Telegraphic.)

*Foreign Office, February 2, 1888, 4 P.M.*

YOUR telegram No. 5.

Her Majesty's Government have no information as to invitation to Turkey beyond statement, p. 93, Spanish Red Book inclosed in Sir C. Ford's despatch No. 8 of the 22nd January.

## No. 65

*The Marquis of Salisbury to the Earl of Lytton.*

(No. 58. Ext. 2.)

My Lord,

*Foreign Office, February 2, 1888.*

I HAVE received your Excellency's telegram No. 5, Confidential, of the 31st ultimo, in regard to a report that the Spanish Government proposed to invite the Porte to join the Conference at Madrid for the revision of the Convention of 1880.

I have to acquaint your Lordship, in reply to the inquiry of the French Minister for Foreign Affairs, that Her Majesty's Government possess no information as to the rumoured invitation to Turkey beyond what is contained in the statement, that Turkey has accepted an invitation to the Conference, on p. 93 of the Spanish Red

Book, a copy of which accompanied Sir C. Ford's despatch No. 8 of the 22nd ultimo, which despatch came through Paris under flying seal.

The substance of the foregoing was this day communicated to your Excellency by telegraph.

I am, &c.  
(Signed) SALISBURY.

## No. 66

*The Marquis of Salisbury to Sir Clare Ford.*

(No. 15.)

Sir,

*Foreign Office, February 2, 1888.*

I TRANSMIT herewith for your Excellency's information, copies of a letter from the Danish Charge d'Affaires at this Court, and of my reply thereto,\* from which you will learn that, in accordance with the request of the Danish Government, Her Majesty's Government have consented to authorize your Excellency to represent Denmark as well as Great Britain at the Conference to be held at Madrid for the modification of the Convention of 1880 in regard to foreign protection in Morocco.

I have, &c.  
(Signed) SALISBURY.

## No. 67

*The Marquis of Salisbury to Sir Clare Ford.*

(No. 16.)

Sir,

*Foreign Office, February 2, 1888.*

THE Spanish Ambassador at this Court called at the Foreign Office to-day to communicate the substance of the despatch referred to in Sir E. Malet's despatch No. 30, Confidential, of the 31st ultimo, which was addressed by Señor Moret to the Spanish Ambassador at Paris in regard to the approaching Conference on foreign protection in Morocco.

Señor del Mazo stated that he was instructed to allay any misgivings which I might entertain as to a private understanding between Spain and France in relation to the Conference, by giving the most solemn and explicit assurances that none whatever existed. His Excellency was informed, in reply to his inquiry, that I was under no such impression, especially after the formal assurances which Señor del Mazo had given some time ago in relation to the policy of his Government in the question.

I am, &c.  
(Signed) SALISBURY.

## No. 68

*The Marquis of Salisbury to Sir E. Monson.*

(No. 5.)

Sir,

*Foreign Office, February 2, 1888.*

FOLLOWING the receipt of your despatch No. 6 of the 25th instant, the Danish Charge d'Affaires at this Court has addressed to me a communication, copy of which I inclose herewith intimating the desire of the Danish Government to be represented by Her Majesty's Ambassador at the proposed Conference at Madrid for the modification of the Convention of 1880 in regard to foreign protection in Morocco.

In transmitting the accompanying copy of my reply to Count Revintlow,† I have to request you to inform the Danish Government accordingly.

I am, &c.  
(Signed) SALISBURY.

\* Nos. 54 and 69.

† No. 54.

*The Marquis of Salisbury to Count Reventlow*

*Le Chargé d'Affaires,*

*Foreign Office, February 2, 1888.*

I HAVE the honour to acknowledge the receipt of your letter of the 28th instant, expressing the desire of the Danish Government to be represented by Her Majesty's Ambassador at the proposed Conference at Madrid for the modification of the Convention of 1880 in regard to foreign protection in Morocco.

I have, in reply, to state that Her Majesty's Government have much pleasure in acceding to the request conveyed in your letter, and will instruct Sir Clare Ford to consider himself as representing the interests of Denmark at the Conference.

I have, &c.  
(Signed) SALISBURY.

*Consul Sandwith to the Marquis of Salisbury.—(Received February 3.)*

(No. 3.)

My Lord,

*Tunis, January 28, 1888.*

IN accordance with the instruction contained in the Foreign Office telegram of the 25th instant I have the honour to inclose copy of the Decree of 1882 on the assessment of the house tax referred to in my despatch No. 17 of the 14th ultimo.

A Judgment on this very subject of the house tax has just been delivered by the Court of First Instance at Tunis, which has an important bearing on the Treaty rights of foreigners. The circumstances attending this Judgment are briefly the following:—

A French subject, Jacob Haggag, had been required by the Municipal Commission of Goletta to pay the sum of 687 piastres (17/ 3s. 6d) for house tax ("karouba"). Haggag declined to pay the tax, on the plea that, by Article 18 of the inclosed Decree, houses were exempted from taxation for the two years following their construction. The Juge de Paix, to whom he applied for a Judgment, found himself incompetent to alter an administrative decision, and condemned Haggag to pay the tax. Whereupon the latter appealed to the Court of First Instance at Tunis, which on the 26th ultimo delivered the sentence of which I have the honour to inclose a copy.

In this case occurred under an assessment made since the publication of the Decree of the 10th November last, no appeal would have been open from the decision of the Juge de Paix.

I have, &c.  
(Signed) THOMAS B. SANDWICH

Inclosure 1 in No. 70

**DÉCRET SUR LA KAROUBE DES IMMEUBLES**

*A notre Premier Ministre le Général Mohamed*

DANS le but de réunir en un même Décret les principes qui régissent les institutions et le recouvrement de l'impôt de la Karouba sur les loyers, de compléter ces principes, et d'en faire assurer l'exécution, nous avons jugé convenable de décréter les diverses dispositions qui vont suivre:—

Article 1<sup>er</sup> L'impôt de 8½ pour cent est perçu par le Décret du 20 Zil Cadda 1256 (1838) continué à être perçu sur tous les loyers des propriétés urbaines autres que ceux des exploitations rurales (Henchirs) dans tout l'Empire de la Régence.

L'impôt de 8½ pour cent est perçu, en outre, en vertu des dispositions de notre Décret du 29 Rabi-el-Anouar 1290 dans les villes de Tunis, de Sousse, de Monastir, de Sfax, de Kirovan, et dans certaines localités dépendantes de la banlieue de Tunis qui s'y trouvent désignées, sur la valeur locative de toutes les propriétés bâties et

des constructions de toute nature occupées par le propriétaire lui-même, ou par d'autres, à quelque titre que ce soit, autre qu'un bail.

Cet impôt est à la charge des propriétaires indigènes ou étrangers, sans distinction de sexe. Toute stipulation qui aurait pour objet de le faire supporter par un autre que le propriétaire de l'immeuble ne pourra, en aucun cas, être opposée aux receveurs chargés du recouvrement.

Les jardins d'agrément et les dépendances de l'habitation telles que cours, remises, écuries, etc., entrent dans l'évaluation du loyer, soit de la valeur locative.

Art 2. Sont également soumis à l'impôt de la Karouba les terrains urbains alloués à titre d'Enzel ou Fragle thèse. Le paiement de l'impôt est à la charge du propriétaire de l'Enzel et doit être calculé sur le montant de l'Enzel.

Toutefois lorsque dans les villes ou localités désignées à l'Article 2 du présent Article l'acquéreur à Enzel aura élevé des constructions sur les terrains acquis, l'acquéreur devra payer l'impôt tel qu'il sera fixé pour l'immeuble entier, sauf à lui à tenir, lors du paiement de l'Enzel, la part d'impôt incombant à cet Enzel qui sera déduite d'être dit.

Dans ce dernier cas le propriétaire de l'Enzel restera toujours responsable du paiement de l'impôt dû en raison de l'Enzel à défaut par l'acquéreur à Enzel d'en acquitter le montant.

Art 3. L'impôt de la Karouba est perçu pour le compte du Gouvernement ou pour le compte de l'Administration des Revenus conformément à la destination de l'Art 1<sup>er</sup> du Décret du 20 Zil Cadda 1256.

Art 4. Les propriétaires des propriétés soumises à l'impôt de la Karouba ont le droit de demander la réduction de leur impôt, sans recours contre leurs co-débiteurs pour les parts d'impôt qu'ils n'ont pas payées à leurs décharges. Ne sont pas considérés comme étant dans l'indivision les propriétaires qui possèdent, chacun séparément, une partie de la même propriété.

Art 5. Les villes de Tunis, de Sousse, de Monastir, de Sfax, et de Kirovan, ainsi que les localités désignées de la banlieue de Tunis, l'impôt de la Karouba sera basé sur la valeur locative, telle qu'elle est déterminée par les déclarations des propriétaires ou par les déclarations des agents de la Commission de l'impôt, ou telle qu'elle résulte d'actes notariés, dans les formes prescrites par l'Article 6 de notre Décret du 29 Rabi-el-Anouar 1290. Lorsque l'impôt n'existera pas de fait, les propriétaires des propriétés soumises à l'impôt de la Karouba seront tenus de déclarer la valeur locative de leur propriété.

Le propriétaire ne peut demander l'estimation lorsqu'il existe des actes notariés ou archivistiques constatant le prix de la location, et ce prix servira de base pour le calcul de l'impôt quand bien même il serait reconnu que par une contrelettre les parties ont convenu d'un prix différent. Les charges prévues dans l'acte seront évaluées et leur valeur sera ajoutée au prix.

La Commission de Recensement dont il va être parlé ci-dessous, sera chargée de vérifier la valeur locative déclarée par le propriétaire ou par les agents de la Commission, et de la comparer avec le prix de la location lui-même, si ce prix est supérieur à celui déclaré par le propriétaire, et de le faire payer dans un but de fraude.

Si en dehors de cette exception, il est reconnu après que la Commission de Recensement a été constituée, que la valeur locative déclarée par le propriétaire ou par les agents de la Commission est inférieure à la valeur locative réelle, le propriétaire devra payer à titre d'amende une somme double de la différence existant entre le chiffre de l'impôt dû et le chiffre payé.

La Commission de Recensement sera chargée de procéder à la vérification de la valeur locative déclarée par le propriétaire ou par les agents de la Commission, et de la comparer avec le prix de la location lui-même, si ce prix est supérieur à celui déclaré par le propriétaire, et de le faire payer dans un but de fraude.

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Art 6. Il sera procédé tous les cinq ans à la diligence de l'Administration des Revenus à un recensement complet de la valeur locative de tous les immeubles assujettis au droit de la Karouba.

Un Délégué du Conseil d'Administration fera partie avec voie délibérative de la Commission de Recensement dans toutes les villes où le droit de la Karoube est perçu pour le compte de l'Administration des Revenus Concedés. Dans les autres localités le Comité Exécutif nommera un Délégué pour prendre part au recensement, ce Délégué du Conseil d'Administration ou du Comité Exécutif remplira les fonctions de Secrétaire de la Commission. Il sera assisté d'un notaire.

Le Membre du Conseil Municipal qui à Tunis doit faire partie de la Commission de Recensement sera nommé par le Gouvernement. Il remplira les fonctions de Président de la Commission. En cas de partage, sa voix sera prépondérante.

La Commission chargée de procéder au recensement à Tunis procédera également à cette opération dans les localités de la banlieue désignées à l'Article 1 du Décret du 29 Rabia-el-Anouar 1290.

Les dispositions qui précèdent et celles qui vont suivre seront appliquées lors du recensement auquel il sera procédé incessamment dans les cinq villes et localités mentionnées.

Des avis seront publiés suffisamment à l'avance par les soins du Gouvernement et de la Municipalité pour faire connaître aux propriétaires l'époque à laquelle il sera procédé au recensement et les invitera à y assister afin de faire entendre leurs observations et s'il y a lieu de produire leurs actes.

Art. 7. La Commission de Recensement arrêtera les rôles qui seront en suite rendus exécutoires par nous. Ces rôles seront établis en double expédition dont une, destinée à servir de titre de recouvrement, sera déposée dans les bureaux du Conseil d'Administration à Tunis, à Sousse, à Monastir et à Sfax, et dans les bureaux du percepteur à Kairouan, et l'autre sera conservée pour Tunis et sa banlieue par la Municipalité; pour les autres villes par le Gouverneur ou son Khifa. Toutes les deux seront communiquées aux Jats résidents à toute réquisition sans déplacement pendant la période quinquennale; seront également déposés auprès des Consuls respectifs les extraits de ces rôles, dressés par nomenclature des contribuables de chaque nationalité.

Il sera donné connaissance au public de ces dépôts par voie d'affiches apposées dans la ville et dans les bureaux des Consuls.

Il est accordé aux propriétaires un délai de trois mois, à partir du jour où ces rôles seront déposés pour faire valoir leurs réclamations contre l'estimateur de la Commission de Recensement.

Passé ce délai, les réclamations ne seront plus reçues.

Art. 8. Toute réclamation devra être faite par écrit entre les mains du Conseil d'Administration des Revenus Concedés ou de ses Agents, et dans les localités où il n'existe pas d'Agents de cette Administration, entre les mains du Gouverneur ou de son Khifa. Le réclamant aura à retirer un récépissé faisant connaître la nature de sa réclamation et la date à laquelle elle a été déposée.

Toutes les réclamations seront instruites par le Conseil d'Administration ou par le Comité Exécutif ou son délégué suivant, la localité, et jugées par une Commission dont la décision sera sans appel.

Pour Tunis et sa banlieue cette Commission se composera :—

(1.) D'un fonctionnaire désigné par le Gouvernement. Ce fonctionnaire remplira les fonctions de Président.

(2.) De l'Administrateur du Conseil d'Administration des Revenus Concedés qui aura de ses attributions le recouvrement de l'impôt de la Karoube, il remplira les fonctions de Secrétaire.

(3.) Du délégué du Consul lorsque la réclamation sera faite par un étranger, ou d'un Membre de l'Administration des Habes désigné par le Gouvernement lorsqu'il s'agira de sujets Tunisiens.

Pour les villes de Sousse, Sfax, et Monastir —

(1.) Du Gouverneur, Président.

(2.) Du délégué du Conseil d'Administration des Revenus Concedés, spécialement désigné par le Conseil, Secrétaire.

(3.) Du délégué du Consul ou du Vice-Consul s'il s'agit d'un étranger ou d'un membre de l'Administration des Habes désigné par le Gouvernement; s'il s'agit d'un Tunisien, pour Kairouan, le délégué du Conseil d'Administration sera remplacé par un délégué du Comité Exécutif.

Les rôles seront rectifiés en conformité des décisions prises par la Commission de Révision.

Art. 9. Après l'expiration du délai de trois mois prévu par l'Article 7, ou en cas de réclamation après décision de la Commission de Révision, dont il est parlé à l'Article 8, le chiffre du loyer ou la valeur locative porté sur les rôles de recensement

servira pendant cinq ans sans modification pour la liquidation de l'impôt, quand bien même pendant la durée de ces cinq années de nouvelles locations des immeubles recensés auraient été consenties moyennant de nouveaux prix.

Art. 10. L'impôt de la Karoube doit être intégralement payé pendant le cours du premier semestre de l'année à laquelle il s'applique.

Art. 11. Dans le cas de mutations de propriétés, autres que les mutations opérées à la suite de décès, l'impôt de la Karoube continuera à être recouvré sur l'ancien propriétaire dont le nom aura été inscrit sur le rôle lors du recensement, et, sauf son recours, tant qu'il n'aura pas déclaré à l'Agent chargé du recouvrement de l'impôt la date et la nature de l'acte notarié ou authentique constatant la mutation. Il ne sera tenu tenu de la déclaration.

Le fait de déclarer ne fera pas obstacle au recouvrement direct de l'impôt contre le nouveau propriétaire si la mutation est révélée à l'Agent de perception par tout autre moyen. Le nouveau propriétaire sera du reste tenu au montant de son acquisition de s'acquiescer verser ces sommes à l'Agent de la Karoube et ce qui concerne l'immeuble objet de la vente, et, s'il y a lieu, de retirer son prix le montant de la somme restant due sous peine d'en devenir personnellement débiteur. Dans tous les cas le Gouvernement aura privilège avant tout autre sur les revenus des propriétés imposables pour le paiement des taxes et impôts de l'Etat. Il faudra poursuivre le recouvrement.

Art. 12. L'impôt de la Karoube ne pourra pas être réclamé pour les immeubles bâtis ou les appartements formant une habitation distincte et séparée faisant partie de ces immeubles, qui seront recensés au moment du recensement et que le propriétaire aura déclaré ne pas être loués. Toutefois il sera conservé un relevé de ces immeubles ou appartements, qui permettra à une Commission de Recensement, composée de trois membres—le délégué du Conseil Municipal ou le Khifa, Président, le Cheik ney el bouy, qui sera recensé, l'Agent du Conseil d'Administration, Secrétaire, ou le délégué du Comité Exécutif—de vérifier chaque année si la situation est restée la même. Si cette situation change, au besoin, le délégué du Consul. En cas de partage, la voix du Président emportera la majorité. Un rôle supplémentaire sera établi s'il y a lieu, à la suite de ces vérifications annuelles. Ce rôle supplémentaire, après avoir été arrêté, rectifié, et approuvé par les Comités prévus par l'Article 7 produira tous les effets du rôle principal dont il fera partie, tant que ce rôle principal continuera à être suivi. Toutes les réclamations qui seront faites contre ce rôle supplémentaire dans les délais et formes prescrits par les Articles 7 et 8 seront instruites par le Conseil d'Administration ou par le Comité Exécutif ou son délégué, et jugées par la Commission de Révision.

Art. 13. Ne sont point soumis à l'impôt de la Karoube :—

(1.) Les bâtiments affectés au culte.

(2.) Nos palais et ceux des membres de notre famille jouissant d'une liste civile, à l'exception toutefois des propriétés de rapport pouvant leur appartenir et des maisons d'habitation appartenant aux maris des Princesses.

(3.) Tous les édifices affectés à l'installation des divers services publics et les Bureaux des fonctionnaires et employés publics.

(4.) Les Consuats.

(5.) Les hôpitaux.

(6.) Les parties des bâtiments qui servent aux élèves dans les maisons d'éducation et d'instruction.

(7.) Les parties des garages qui ne sont pas affectées au logement du personnel et des employés.

L'impôt de la Karoube sur les loyers étant à la charge des propriétaires, les exemptions ci-dessus spécifiées ne pourront être accordées qu'autant que les bâtiments affectés aux usages qu'ils servent ne sont pas loués appartenant à l'Etat.

Art. 14. Le propriétaire d'un immeuble affermé ou occupé au commencement d'une année doit l'impôt pour l'année entière.

Art. 15. Lorsqu'un contribuable viendra à décéder dans le courant de l'année, les héritiers et usufructiers seront tenus d'acquiescer le montant de l'impôt.

Art. 16. Le Gouvernement aura privilège pour le paiement de l'impôt de la Karoube sur le prix de la vente du mobilier de ses débiteurs.

Art. 17. Si une location ou une occupation vient à cesser dans le courant d'une année, et qu'un nouveau rôle de recensement ne doit pas être mis en recouvrement conformément à l'Article 7 du présent Décret au commencement de l'année suivante, le propriétaire pourra se soustraire au paiement de la Karoube pendant l'année suivante en faisant, avant le commencement de cette année, entre les mains de l'Agent

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de perception, qui lui en délivrera récépissé, une Déclaration de cessation de bail ou d'occupation.

A défaut de cette Déclaration l'impôt sera exigé pour toute cette année. Toutes les Déclarations faites en conformité de cet Article seront communiquées à la sous-Commission chargée chaque année de vérifier les immeubles déclarés non loués ou inoccupés, qui décidera si les Articles primitifs des rôles devront ou non être maintenus.

Art. 18. Toute maison nouvelle construite dans l'intervalle qui s'écoulera entre deux recensements ne sera pas soumise à l'impôt de la Karoubie pendant deux ans. Le délai commencera à courir à partir de la mise en recouvrement de la taxe afférente à l'année qui suivra immédiatement l'achèvement de la construction. Il n'y aura pas à tenir compte de ce délai en cas de nouveau recensement, quand bien même le propriétaire en aurait déjà bénéficié pour partie. La sous-Commission dont il est parlé à l'Article 12 est chargée de comprendre, le cas échéant, les constructions nouvelles sur le rôle supplémentaire de recensement après l'expiration du délai de deux années.

Art. 19. Il n'est rien innové en ce qui concerne le paiement de la taxe sur les cafés et le mode d'assiette de l'impôt sur les loyers dans les villes ou localités autres que celles soumises à un recensement par le présent Décret.

Art. 20. Toutes les dispositions de Lois et Décrets antérieurs qui ne sont pas contraires au présent continueront d'être en vigueur.

Nous vous ordonnons, en conséquence, de rendre publiques les dispositions qui précèdent par les soins de votre Ministère.

Donné le 31 Regub, 1299 (6 Juin, 1882)

#### Inclusure 2 in No. 70.

*Sentence delivered by French Tribunal on the Question of Payment of House-tax.*

8. Il quoi le Tribunal a statué en ces termes. Le Tribunal ou les défenseurs des parties en leurs dires, explications, et conclusions, le Ministère Public entendu après en avoir délibéré conformément à la Loi.

Attendu que Jacob Haggiag est appelant d'un Jugement rendu le 7 Juin, 1882, par le Juge de Paix de la Goulette, Jugement qui l'a condamné à payer à la Municipalité de la Goulette une somme de 687 frs. 75 c., représentant

Primo, l'impôt de la karoubie des années 1300 à 1303 pour une maison sise à la Goulette,

Secundo, le droit de balayage de cette dernière année, 1303.

Attendu que cet appel est régulier et au fond,

Attendu que devant le Juge de Paix de la Goulette, où il était assigné en paiement des deux impôts ci-dessus afférents au même immeuble Jacob Haggiag a objecté que le dit impôt n'avait pas été légalement imposé par le motif qu'il n'y avait eu en Septembre 1881 d'impôt aux termes de l'Article 18 du Décret du 6 Juin, 1882, dispensé de tout impôt pendant deux ans.

Attendu qu'il s'agit de statuer, et sur cette question de fait et sur l'interprétation d'un document d'administration locale, le Juge de Paix de la Goulette s'est déclaré incompétent, alléguant qu'il ne lui appartenait pas de vérifier le bien ou le mal fondé de cette exception sur laquelle il avait été statué par l'autorité administrative.

Attendu qu'en décidant ainsi le premier Juge a méconnu le caractère et la portée de ses attributions, que, la juridiction administrative n'existant pas en France, la connaissance du contentieux administratif s'est trouvée virtuellement dévolue aux Tribunaux civils, que décider autrement serait refuser aux étrangers les garanties que leur assurent les Capitulations, lever le contribuable de toute nationalité à l'arbitraire, et réduire enfin le pouvoir judiciaire à n'être qu'un agent d'enregistrement des décisions administratives;

Attendu, au surplus, que l'Administration elle-même, en déférant des litiges à la juridiction civile, a explicitement reconnu la plénitude d'attribution de celle-ci et pour elle-même la nécessité de procurer à ses décisions une force exécutoire qui leur fait défaut et qui implique de la part des Magistrats qui la concèdent l'obligation d'un examen et d'un contrôle préalables.

Qu'il incombait dès lors au premier Juge, mais en présence d'une fin de non recevoir à la fois pertinente et admissible, de vérifier le moyen indiqué selon les formes réglementées par le Code de Procédure Civile.

Et de dire enfin, cette vérification effectuée, si les taxes poursuivies contre Jacob Haggiag étaient bien de fait et de droit légitimement dues;

Attendu toutefois que Jacob Haggiag, demandeur à l'instance, n'a pas fait la preuve de ses allégations.

Qu'il offre encore en appel de faire preuve qu'il y a lieu d'accueillir sa demande, qu'il y a lieu toutefois de ne pas déroger aux prescriptions des Articles 407 et suivants du Code de Procédure Civile, et de décider que l'expertise aura lieu en la forme sommaire;

Par ces motifs le Tribunal

Infirme le Jugement dont est appel et, statuant par nouvelle décision avant faire droit, autorise Jacob Haggiag à prouver par tous moyens le droit—

Primo, que l'immeuble dont la taxe lui est réclamée a été construit en Septembre, 1883;

Secundo, qu'il devait à ce titre être exempt d'impôts pendant deux ans;

Tertio, qu'il a dû aussi être exempté du droit de balayage, réserve à la Municipalité la preuve contraire, dit que l'enquête aura lieu en la forme sommaire, le Mardi, 6 Mars, 1888. Dépens réservés.

Fait et prononcé le jour, mois, et an que dessus.

Où siégeaient MM. Geoffroy, Président, Chevalier de la Légion d'Honneur; Dubois, Juge; Berge, Juge Suppléant, en présence de M. Frope, Juge Suppléant, occupant le siège du Ministère Public, assisté de M. Letorey, Commissaire-Greffier.

Et la Minute du présent Jugement a été signée par M. le Président et par M. le Commissaire-Greffier.

Signé la Minute

Geoffroy, Président.

Letorey, Commissaire-Greffier.

En conséquence, le Président de la République Française mande et ordonne à tous huissiers sur ce requis de mettre le présent Jugement à exécution; aux Procureurs généraux et aux Procureurs de la République près les Tribunaux de Première Instance d'y tenir la main; à tous Commandants et à tous officiers de la force publique de prêter main forte lorsqu'ils en seront légalement requis.

En foi de quoi la Minute du présent Jugement a été signée par M. le Président et par M. le Commissaire-Greffier.

(Pour grosse conforme),

Le Greffier,

(Signé) L'HOMME.

#### No. 71

*The Marquis of Salisbury to Mr. Kennedy*

(No. 18.)

Sir,

Foreign Office, February 8, 1884

THE Italian Chargé d'Affaires at this Court called at the Foreign Office to-day, and stated that in reply to a telegram addressed by himself to his Government in regard to the conditions which France attached to her acceptance of the Conference on foreign protection in Morocco, Signor Crispi had informed him that he had stated to Count Rassem that the Italian Government could not accept those conditions. The Italian Government agreed with Her Majesty's Government, that the programme of the Conference cannot be limited to the question of protection, but should include all other questions allied to it.

I thanked M. Catalani for his communication.

I am, &c.

(Signed) SALISBURY.



*Consul-General Drummond Hay to the Marquis of Salisbury.—(Received February 4.)*

(No. 1. Confidential.)

My Lord,

*Tripoli, January 25, 1888.*

ABOUT a month ago another raid, by a large body of horsemen of the Werghamma tribe, was made on the Tripoli tribe of Scaan in the district of Djebel, in which seven men of the latter were killed, and 180 camels and other animals captured; the Werghamma losing five men. The Vali made strong representations on the subject to M. Destroes, the French Consul-General, and his Excellency now tells me that the French Minister Resident at Tunis has informed him through M. Destroes that 134 of the animals, which it would appear have been identified as having been captured in the raid, will be restored to the Scaan tribe. The Vali intends to demand the punishment of the Werghammans who took part in the raid. The restitution of plundered property promised in this case is considered by the Vali to be an indication of a more conciliatory spirit on the part of the French officials in Tunis than was previously the case, and the Vali informs me that he has of late remarked a considerable improvement in this respect. His Excellency tells me that he has reason to believe that the movements of French troops in the south of Tunis have for their object the subjugation of the Werghamma and other nomadic frontier tribes, and the establishment of military posts on the Tunisian frontier, in order to prevent these incursions on Tripoli territory in the future.

With reference to M. Grande's despatch, a translation of which was transmitted to me in Sir P. F. Carr's despatch No. 1 of the 3rd instant, I can only account for the discrepancies in the language held by the Vali to M. Grande and myself respectively with regard to certain points to the reserve observed by his Excellency in his communications on these matters with M. Grande, arising from the feeling of distrust which is exactly shown by the Italian Government and their agents in these matters has existed in the minds of the Turkish authorities, who attribute their restless activity to jealousy of the French on account of designs the Italians may themselves have on Tripoli territory. M. Grande has himself told me that the Vali shows a disinclination to give him any information with regard to frontier questions. I imagine that this feeling of distrust towards the Italians is fostered by the French, whilst the Turkish authorities distrust both the French and the Italians.

I have, &c.

(Signed) P. R. DRUMMOND HAY.

*M. Catalan to the Marquis of Salisbury.—(Received February 4.)*

(Translation)

(Confidential)

My Lord,

*London, February 1, 1888.*

I COMMUNICATED to his Excellency Signor Crispi the note you were good enough to address to me on the 16th ultimo on the subject of a recent conversation between M. Flourens and Lord Lytton on the state of affairs on the frontier between Tunis and Tripoli.

Signor Crispi has instructed me, in reply, to convey to your Lordship his sincere thanks for this important communication.

With reference to the desire expressed by M. Flourens to open negotiations with the Porte on the demarcation of the frontier in question, Signor Crispi states that the Porte has expressly declared to the Italian Government that it is not prepared to enter into any agreement on the subject, not wishing to engage in a matter which might imply, directly or indirectly, the recognition of recent events in Tunis.

I have, &c.

(Signed) T. CATALANI.

*Sir Clare Ford to the Marquis of Salisbury.—(Received February 6.)*

(No. 12. Confidential.)

My Lord,

*Madrid, February 1, 1888.*

OWING to Señor Moret, the Spanish Minister of State's, pressing occupations in the Cortes, where his presence has been constantly required of late, both in the Senate and in the Lower House, to watch the movements of the parties hostile to the present Government, I have had few opportunities of seeing him for the transaction of business.

His Excellency, however, accorded me an interview this afternoon, as I wished to speak to him on the question of the proposed Conference on Morocco affairs. I am glad I did so, for I was able to clear up several points concerning which I could render to myself no account.

First of all, I inquired what steps were being taken by the Sultan of Morocco as to the nomination of a Delegate to the Conference.

Señor Moret replied that Abd-el-Shalok had been named.

I then asked the question how the British Delegate at the Conference, who, I presumed, would not be able to talk Arabic, would be able to communicate with the Moor.

Señor Moret said that Father Lersundi, a Spanish Roman Catholic monk, who has long resided in Morocco, would act as interpreter.

I said that, in my opinion, if there were to be no other means of communication it would be extremely awkward, and I threw out a hint that His Majesty the Sultan would be so disposed, could very well select one or two well educated Moors, who had received their education in England, who would be attached with advantage to the Moorish Delegate's staff, and whose presence in Madrid might prove of great utility.

Señor Moret appeared to entertain the idea very favourably, and, in the event of the Conference ever meeting, I shall endeavour to see that the idea is carried out.

I then entered with Señor Moret into the more serious part of the question which I desired to discuss with him, and I inquired how he had come to pass that the Spanish Minister at Tangier appeared all of a sudden to be on terms of such extreme intimacy with his French colleague, that they, in concert, had drawn up suggestions as to the modifications to be introduced into the Madrid Convention.

This fact, I said, appeared to me somewhat curious, the more so as I was under the impression that Señor Diosdado, the Spanish Minister at Tangier, believed that the old arrangement which had been entered into between Spain and France in the year 1884 with regard to their marching hand in hand in all matters connected with affairs in Morocco, had been revived, although he (Señor Moret) had frequently assured me that that arrangement had come to an end.

Señor Moret confessed that he had been entirely taken by surprise when he heard of Señor Diosdado's conduct in associating himself with the French Minister in drawing up with him the suggestions I have alluded to.

"He had no instructions to do so from me," said Señor Moret, "and, what is more, I understand that M. Fauriol, the French Minister, did not act under any instructions in the matter from M. Flourens, the French Minister for Foreign Affairs."

"I cannot imagine," added Señor Moret, "what could have induced Señor Diosdado to act as he has done, and I do not approve his conduct at all."

I rejoined that I was glad to hear it, and that, in the event of the Conference meeting, it would do harm were the belief to prevail that Spain was following in the wake of France.

I then alluded to a report I had heard that the French Minister for Foreign Affairs had sent in a note on the 31st of last month to the effect that he could only consent to join the Conference under two conditions, the first of which was that the discussions should be strictly limited to the question of the protection of natives; and the second, that a previous exchange of views should be entered into between France and Spain in order to arrive at some mutual agreement. In other words, I said, that France and Spain should be linked together, and the Representatives of other Powers equally interested in Moorish affairs should occupy a more or less isolated position.

That, I said, would never do; and I begged his Excellency to offer me some explanation.

Señor Moret replied that he hoped I did not in any way mistrust him, to which remark I did not hesitate to answer that I did not, for I verily believe that, whatever

may be the upshot of this Conference question, he is sincere and honest to England, and would never consent to play a treacherous part to our country.

He had, he said, as yet given no reply to the French note, and that no greater proof of his honesty in this matter could be given than the fact that no sooner had he received M. Flourens' views than he had communicated the intelligence to the several Great Powers, such as England, Germany, Austria, and Italy, and that he had consulted them on the subject, and was expecting to learn their respective opinions respecting it. The question now was, said Señor Moret, to know whether the Conference would meet or not. If, owing to France's present attitude, the affair fell to the ground it would, he said, no doubt be considered a victory for French diplomacy, "but I am determined," he added, "not to bind myself down to any French conditions, and I will not accept those now proposed to me, for I am anxious to work in unison with England, Germany, Austria, and Italy, and not with France, in this affair." I remarked to Señor Moret that when he had seen M. Flourens last September in Paris the latter had raised no objection to a Conference being held on Morocco affairs, and that M. Flourens had even admitted later on to the Italian Ambassador in Paris that, in his opinion, the work of the Conference could never be limited to a discussion of the protection question alone.

"Ah! that was all very well then," said Señor Moret, "but things have changed since I fear M. Flourens' judgment has of late been somewhat influenced in an adverse sense now that he finds he was for hasty in the premises he made to me at Paris, and as for his utterances to General Menabrea, he now asserts that the General is deaf, and mistook his words."

I admit, and I cannot help thinking that Señor Moret shares my opinion that great difficulties exist in the way of the Conference meeting, and if the French Government persists in holding to the conditions they have now put forward, and which I have no reason to doubt, Señor Moret will refuse to accept, I do not see any alternative but that of postponing the meeting of the Conference to a more favourable occasion.

The collapse of the assembling of a meeting of such international importance, and which has occupied the attention of the public at such an extent, particularly in Spain, would be a bitter disappointment to Señor Moret, who has all along counted upon the Morocco Conference, to be held under his presidency, as one of the most important events during his term of office as Minister of State; but I feel certain, after the conversation I held with him to-day, that he would be ready to make any sacrifice rather than forfeit his word to me, and lay himself open to any reproach of not having acted in the matter in accordance with his promises. "I am determined," he said, and these were his exact words, "to place myself, in the treatment of Morocco affairs, on the side of the Mediterranean Powers, and not with France, and you can place every reliance on my good faith."

I have, &c.  
(Signed) FRANCIS CLARE FORD

No. 75.

*The Marquis of Salisbury to Sir W. K. Green.*

(No. 11.)

Sir,

*Foreign Office, February 6, 1888.*

I HAVE received your despatch No. 11 of the 18th ultimo in regard to the case of Messrs. Shuttleworth and Co. v. Solomon Pariente.

It appears from the concluding portion of Mr. White's Memorandum of the 22nd December, a copy of which accompanies your despatch, that Cid Hadj Mohammed Torres, the Moorish Minister for Foreign Affairs, had summoned Mr. Pariente before him to answer to the claims, but that Messrs. Shuttleworth and Co.'s representative objected to Mr. Pariente's allegations that the subject-matter of the claim had been disposed of two years previously, and maintained that, the jurisdiction of the British Court having been invoked by Mr. Pariente, he should be made to accept its ruling.

Thereupon Hadj Mohammed Torres had dismissed the parties, saying that he would inquire into the matter.

I have now to request you to press Hadj Mohammed Torres to expedite his decision.

I am, &c.  
(Signed) SALISBURY

No. 76.

*Sir W. K. Green to the Marquis of Salisbury.—(Received February 7.)*

(No. 13.)

My Lord,

*Tangier, January 28, 1888.*

UNDER your Lordship's telegraphic instructions of the 21st instant, I have the honour to forward herewith the substance of my despatch No. 151, Confidential, of the 30th ultimo, in the form of a Memorandum which can be laid before the Conference about to assemble at Madrid for the purpose of modifying the Convention of the 3rd July, 1880.

I have, &c.  
(Signed) W. KIRBY GREEN

*Inclosure in No. 76.*

*Memorandum by Sir W. K. Green on the Question of Foreign Protection of Moorish Subjects.*

THE following observations have occurred to me on the question of the right of foreign protection of Moorish subjects under the Madrid Convention of the 3rd July, 1880, to what abuses it has given rise, what limits might be assigned to it, or what system might take its place.

The right of protecting Moorish subjects has been exercised to the fullest extent by all foreign Governments, and foreigners having interests in Morocco.

Not only have they availed themselves of this right to the utmost limits admitted by the Madrid Convention, but in many instances these limits have been considerably exceeded.

It is not necessary for me to here specify who are those who have overstepped the bounds fixed by the Convention, especially as many who were at first opposed to infringing formal stipulations found themselves, in the end, obliged to accept a so-called privilege which the Moorish Government was not strong enough to refuse when once usurped.

The chief abuses practised have been—

Protection of two\* Moorish subjects as brokers, not only at sea, but, in many cases, at every one of the ports of Morocco, and even in the towns of the interior, by foreigners who are not bona fide merchants, these foreigners in no few instances making a living by receiving yearly payments from the Moorish subjects for whom they have obtained the protection of their nationality on the plea that the said Moors are their brokers.

The privilege of appointing brokers by persons having no residence or fixed commercial establishment in Morocco, but claiming to be merchants in other countries doing business with Morocco.

Total disregard by Consular officers of the limit placed by Article III of the Convention on the protection by them of native servants. Subordinate members of Legations equally exercise an unlimited protection of natives said to be attached to their service.

No attention paid to the limitations imposed by Article VI on the members composing the "family" of a protected Moorish subject.

Claiming for Moorish subjects simply in the position, or asserted to be in the position, described in the last paragraph of Article IX of the Madrid Convention of 1880 the same privilege as those accorded to brokers.

No limitation placed to the number of Moorish subjects which a foreigner may thus, under Article IX, bring within his shelter.

Failure of observance through the apparent inaction or supineness of the Moorish authorities of Articles XII and XIII concerning the payment of ground and gate taxes. The British Consular authorities for some time enforced the payment of these taxes by the persons under their jurisdiction, but when it was found that the Moorish Government did not require such payments from other foreigners the money so levied had to be returned to the British subjects and protégés. Recently the Sultan abolished by Decree all gate taxes.

The stipulations concerning Maroquine subjects naturalized abroad in Article XV

\* See fourth and fifth paragraphs of Article V of the Moorish Convention with France of 1845.

have been entirely disregarded. Great numbers of Moorish Jews obtain, under very easy terms, naturalization in Algeria, Portugal, the United States, or Brazil, and when they return to their native country the Moorish authorities apparently tacitly acquiesce in their retention of all the advantages of their newly acquired nationality.

In one or two instances a very wide interpretation has been given to Article XIII of the Madrid Convention, whereby Moors occupying a political position in this country have passed under the protection of a foreign Government.

The foregoing are some of the principal abuses which have arisen from the side of the foreigners under the Madrid Convention of 1880. But the Moorish Government, though it can lay a longer list of lapses and encroachments against foreigners, cannot claim to have itself faithfully fulfilled all the engagements of the Convention.

The Moorish Government has only allowed Article XI, granting to foreigners the right to hold property in Morocco, to be partially observed at Tangier. In all other parts of the Empire the Moorish authorities not only persistently refuse to give the requisite consent legalizing a purchase of real property by a foreigner, but they furthermore prohibit Maroccan masons, carpenters, and other artisans, under pain of imprisonment and fine, from effecting any building operations on behalf of foreigners.

The observance of Article XIV, which prohibits intervention by unauthorized persons in matters under the jurisdiction of the local authorities, is rendered impossible through the preference of those authorities for irregular to regular proceedings.

Many of the abuses which are committed under the shelter of the Convention could be checked if they were not encouraged and prompted by the Moorish local authorities themselves. A Basha, or other native official, frequently avoids carrying out orders reaching him from headquarters by alleging inability to execute them through the impediment of foreign protection, a such instance probably called into existence by himself. Similarly, a Moorish official often alleges, for the purpose of retaining the larger share for himself, that the smallness of his remittances on account of the taxes of his district is due to the number of foreigners and foreign protected subjects engaged in agricultural pursuits.

Cases occur when one foreign authority, bringing a charge or claim against a Moorish subject, the Maroccan authority, in order to avoid the responsibility of pronouncing against the defendant, passes him off, through the connivance of another foreign authority, as a protected subject of the last-named authority.

The limits that might be assigned to the foreign protection of natives are very fairly defined in the Madrid Convention of 1880, if that Convention was strictly and faithfully observed. No inherent defects in the Convention have been at the bottom of the abuses which have arisen. The failure of the application of the Convention has solely arisen from the fact that there is really nothing in Morocco approaching to the administrative machinery of a regularly organized Government, with the one notable exception of the Custom-house administration. This exception owes its existence to fortuitous circumstances. A war indemnity was to be paid to Spain, and for its purpose half the revenues of the Customs were assigned to Spain for a portion of the indemnity, whilst the other half was pledged as security for the interest and sinking fund of the Moroccan Loan raised in England in 1862 in order to enable the Moorish Government to pay Spain that part of the war indemnity which was required immediately.

The presence of Spanish and English Controllers at the custom-houses obliged the Moorish Government to adopt a proper system of collection of duties at all the ports, with the result that the indemnities were paid off without any appreciable falling-off in the sums which the Sultan had been in the habit of receiving before the war as the whole of his customs revenues. The new system has been continued after the fulfilment of the Moorish obligations, for even the Sheressian Government admitted the value of the lesson which it had learnt by experience.

If proper Law Courts existed, if the taxes which the Moorish Government will exact were a known quantity, if property was secure from the grasp of the officials, or from confiscation by the Sultan, the natives themselves would render a settlement of the protection question unnecessary, for they would decide to place themselves, especially if they happened to be Mussulmans, under alien and Christian control.

As long as an administrative organization is absent in this country, I am firmly convinced no arrangement in the nature of the Madrid Convention will be found of any permanent or practical use.

Under all the circumstances, I am inclined to think that the fair limitation of the foreign protection of natives in Morocco is unattainable.

The system which I should favour would be the entire abolition of protection of natives engaged in the service of foreigners for the purposes of commerce, agriculture, &c. I would maintain the protection of all natives employed by the Diplomatic or Consular Representatives, and fix the number of the natives entitled to protection from being in the service of Consular Officers.

But this abolition could not be safely effected by a simple declaration that Her Majesty's Government would henceforth refuse to exercise on behalf of British subjects the privilege of protecting Moors connected with their business transactions. The abandonment of this privilege would have to be accompanied by a formal declaration that Her Majesty's Government would respect and exact strict and prompt justice at the hands of the Moorish authorities for any wrong done to British subjects. A declaration of this kind, if issued by Her Majesty's Government, would have to keep an eye on those Moorish subjects who had formerly been under its protection, in order to check the remotest attempt that might be made by a Moorish authority to revenge itself on the person of a late protected subject solely for having been so protected.

There are at present no apparent subjects who would be taken by a foreign Government, but I do not think that there would be few occasions for exercising their protection. It is well known to all those who are conversant with the affairs of this country when the French Government of Tunis was annexed. By observing an arrangement entered into with our father Dr. O'Connell, the French Government, in order to avoid the seizure upon a Moorish subject, who was connected with the interests of a British subject, except for the purpose of having him sent to the place where the Moorish employer resided, there to be tried by the Basha of the locality, the French authorities have no control over the Moorish authorities. Moorish authorities have no control over the French authorities. The French authorities, and through the mere fact of transferring a case where they would like to despoil to another district they immediately lose it. It is only by the intervention of the agents of British merchants in peace and quietness, especially as the Moorish authorities know that they would be severely punished by the Sultan if they failed to do so, that the end is justified.

The feeling that the system of protection is so full of abuses and drawbacks may well be abandoned in not many years, but that also of nearly all the British merchants established in this country. They are prepared to accept with the privilege of bestowing protection on the natives if the protection of the Moorish Government is to be concentrated for their own benefit. They are such as to be able to give the Moorish Government every term by the Moorish Government or the Sultan, the master of his own country, a strong and effective voice. As a result of the Moorish policy, the Moorish Government is now in a position to do what it pleases, to the whole of the Moorish policy seems thus directed against British interests.

By the foregoing observations I have endeavoured to point out that foreign protection of Moorish subjects would be sufficiently limited if the Madrid Convention of 1880 was fairly observed by all the countries having Diplomatic or Consular Representatives in Morocco, and if the Moorish Government were capable of acting as a properly organized Governmental administration; but that, as the Sheressian mode of government was not likely to be any of the best ways of getting rid of the abuses and evils of foreign protection, natives would be left free to exercise the rights of such protection, and to resort to the original mode of intercourse with Morocco, which was established by the enforcement of the Treaty stipulations of 1856 existing between Great Britain and Morocco.

Yet, though I am disposed to give up privileges which are being transformed into a deadweight of obstruction, I am still of opinion that, before casting altogether adrift, an endeavour should be made to see how far the system of protection can be used to lead the Moorish Government into making concessions which would doubtless prove as advantageous to it as for ourselves.

The point that should be chiefly tried for, besides the conclusion of a liberal commercial Convention, ought to be the establishment of Mixed Tribunals for the trial of civil suits between foreigners and Moors. These tribunals should exist at Tangier, Dar-al-Baida (Casablanca), and also at the other ports of the Empire where the elements for the constitution of Mixed Tribunals are already hand

Mixed Tribunals would prove the thin end of the wedge, whereby Moorish authorities would learn the meaning of the word justice. They would quickly perceive the fact that it would give them over their own people, and the advantage of levying fixed fees instead of depending on the largesse of the litigants, or having recourse to corruption. It would be the second great success achieved by adopting a European form of administration, and would, perhaps, at last open the door for a general reform in all the branches of the Government structure.

I will not lengthen this Memorandum by an attempt to depict the iniquities and horrors which exist and are perpetrated in the name of the Sultan and justice. If I did make the attempt I should probably fail to convey a proper idea of what daily passes in the Courts of the Bashas, Kuids, and other officials, or be considered a sensational romancer. The rush for foreign protection by the highest as well as by the lowest in this land is, however, sufficient proof that something radically wrong does exist.

In order to show that, although I am for the abolition of protection, a word can still be said in favour of its maintenance, I will conclude this Memorandum by quoting as closely as possible the language used to me by an Englishman of great experience in this country.

"I should much regret to see protection done away with. I consider it one of the principal roads for opening up the country to commerce and justice, and the only existing check against the malpractices of Kuids and Governors. The little control exercised by the Supreme Government over these functionaries leaves them free to oppress the natives to the utmost. They seldom, however, dare touch a protected subject. Protection is proving the best means for bringing home to the understanding of the Sultan and his Government the evils of the present system of governing. It is notorious that the advantage of foreign protection has in many instances, not in most, instances to be bought at a high price, therefore if the Sultan would only insist that all his subjects should have fair play and common justice, not a Mussulman or even Jew would seek to place himself under Christian protection. At present the cream of the Sultan's people is protected, and I am assured that if protection is abolished most of these people will either pass over the French side of the frontier for safety or remove to Mecca."

"There are a great many arguments to be used I know, on the other side, but until the Sultan succeeds in reforming his Government they will all remain utterly worthless. An assurance should, however, be given to the Moorish Government that protection only means safety for the protected man's person and property, but may not serve as an excuse for exempting him from the payment of legal taxes, or for screening him from the consequences of crime. In one word all protected Moors should be ruled with a rod of iron."

(Signed) W. KIRBY GREEN.

Tangier, December 30, 1887.

No. 77.

Sir W. K. Green to the Marquis of Salisbury.—(Received February 7.)

(No. 14.)

My Lord,

Tangier, January 26, 1888.

I HAVE the honour to report, for your Lordship's information, that Senhor Calape, the Portuguese Envoy Extraordinary and Minister Plenipotentiary, has to-day left for Lisbon, whether he has been telegraphically summoned by the Portuguese Government.

It is stated that Senhor Calape has been called to Lisbon in connection with the coming Conference at Madrid for the modification of the Convention of 1880 concerning foreign protection of natives in Morocco.

I have, &c.  
(Signed) W. KIRBY GREEN.

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No. 76.

Sir W. K. Green to the Marquis of Salisbury.—(Received February 7.)

(No. 15. Confidential.)

My Lord,

Tangier, January 29, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 7, Confidential, of the 24th instant, calling my attention to a letter to your Lordship from the Society for the Protection of Aborigines, with a Memorandum from Mr. Ion Perdicaris on the question of Consular protection in Morocco.

Mr. Ion Perdicaris is a wealthy United States' citizen, who generally resides in Tangier, and who has been for some time past a self-constituted defender of those who are or fancy themselves to be sufferers through the privileges gained by foreigners, or the abuses practised under the Convention of Madrid of 1880.

Though Mr. Perdicaris has, no doubt, had considerable opportunities of watching the process and evils which he has endeavoured to combat, still, from being, so to say, an outsider in the whole question, I do not think his Memorandum can be accepted as a very clear exposition of the matter of foreign protection of natives in Morocco. I therefore venture to furnish your Lordship herewith a Memorandum in answer to or explaining, paragraph by paragraph, Mr. Perdicaris' statements.

I have, &c.  
(Signed) W. KIRBY GREEN.

Inclosure in No. 76.

Answers and Observations by Sir W. K. Green to and on the Memorandum on Consular Protection in Morocco by Mr. Perdicaris, forwarded to the Marquis of Salisbury in the letter of the Aborigines' Protection Society of December 28, 1887.

1. MR. PERDICARIS is evidently under the impression that Consular jurisdiction in Morocco is an exceptional institution, and is not aware that it exists of necessity in all semi-barbarous countries. Consular jurisdiction is, therefore, the outcome of the rights and privileges acquired by foreign Governments to protect natives, under certain conditions, in this country. Conflicts of jurisdiction do occasionally arise between the different Consular Courts, but they are not of itself the result of the protection of natives.

2. Legations and Consulates can only be responsible to the Governments from which they derive. That some Legations and Consulates do commit and perpetrate abuses under cover of the Madrid Convention of 1880 is as notorious a fact as that many others endeavour, as much as it is possible, to keep within the terms of that Convention.

3. The fault here lies with the Moorish Government, and not with the Legations and Consulates. Foreign protection would not be sought for by the Moors if the native administration offered the remotest guarantees of justice and personal safety.

4. That there are Legations and Consulates open to corruption is an unfortunate fact, which I fear would exist whether foreign protection of natives was abolished or not. It is for this reason that there is an objection to the merging of all Legations and Consulates into an undistinguishable whole. Consular Courts do exist in Morocco where impartial justice is administered, and whose jurisdiction is willingly accepted by all, whether foreigners or natives, protected or unprotected.

5. There have been no recent Orders in Council issued about Consular jurisdiction in Morocco. Nor are there any special or exceptional hardships inflicted on British subjects and others rendering themselves subject to the existing Orders in Council. These have been framed with the greatest attention for the due and proper administration of justice, and differ little from the Orders in Council governing Consular jurisdiction in the Ottoman dominions, China, &c.

The questions here raised by Mr. Perdicaris have absolutely nothing to do with the foreign protection of natives in Morocco.

6. The above observation equally applies to this paragraph.

7. Foreigners and protected subjects do not enjoy a special privilege over natives with regard to the execution of native notarial documents. The advantage they possess over most natives is that they can generally enforce attention by the native authorities to their claims. The abuses which do arise are that the native Notaries

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Public and authorities lend themselves to the drawing up of false documents, the falsity of which, however, cannot be detected in the face of the documents, which are perfectly in order and according to the laws of Morocco.

A Legation or Consulate, when a native notarial document is presented to it, is incompetent to have it itself enforced, but refers it to the local authorities. It is here that irregularities commence and injustice is perpetrated. But the knowledge that this is the case often weighs heavily on those who have *bona fide* claims, based on documents, and belong to a foreign jurisdiction which does not affect native habits, for considerable hesitation and much delay is shown in pressing for a termination of such claims lest they should be usurious or fraudulent.

The assertion attributed to the Sultan that justice is impeded in his own Courts through the ever increasing number of natives protected by foreign Governments would have been better put, had it been stated that His Sherrefian Majesty is prevented by foreign protection from acting against many natives who by their wealth and possessions would otherwise have been liable to extortion or the confiscation of their property.

Foreign protection has been abused through the use made both by foreigners and protected subjects of the administrative system of the country, which lends itself to oppression instead of to justice. A reform in the judicial system of Morocco would at once put an end to the abuses perpetrated under the shelter of the practices and laws of the country by foreigners and protected subjects. A reform of Consular jurisdictions, on the other hand, would not touch the Moroccan Courts.

8. The increase of commercial intercourse under existing circumstances would necessitate a mitigation of the evils of the foreign protection of natives.

9. The necessity of a more enlightened commercial policy on the part of the Moroccan Government is self-evident. It has already been admitted, by the steps taken for the early meeting of a Conference at Madrid, that the Convention of Madrid of 1880 should be modified.

10. M. Perlebaris and I are at one on the advisableness of the abolishment of foreign protection of natives.

11. There is no system of supporting claims of dubious character. There are foreign Legations and Consulates that support such claims, and others that do not. If Mixed Tribunals are established, dubious claims would, I trust, be properly controlled.

12. There is no need for attempting the establishment of an impracticable Agapomeno of foreign Consulates. Separate Consular Courts are needful for the use of the subjects of the respective Courts.

13, 14, 15, 16, 17. Mr. Perlebaris has got out of his depth in proposing a United Consular Court. His wish, I think, would be met by the formation of Mixed Tribunals where suits between foreigners and natives could be heard and settled. British and other foreign subjects in all other cases would probably prefer continuing under the laws of their own countries, administered by their own countrymen.

18. }  
19. }

20. This is a matter which does not apply to Her Majesty's Legation in Morocco, for its Assistant, who is an Englishman appointed by the Foreign Office, supervises the whole of its interpreting work.

(Signed) W. KIRBY GREEN.

Tangier, January 29, 1888.

No. 79.

Sir W. K. Green to the Marquis of Salisbury.—(Received February 7.)

(No. 16. Most Confidential.)

My Lord,

Tangier, January 30, 1888.

WITH reference to my despatch No. 146, Confidential, of the 23rd ultimo, I have the honour to transmit herewith for your Lordship's information the copy of a private and confidential letter, received by me to-day from Baron Whetnall, the Belgian Minister, regarding the favourable reception accorded to him by the Sultan, and which Baron Whetnall is good enough to attribute in a large measure to the representations which I had promised to make to the Sultan concerning the portable

railway and train which had been sent to His Sherrefian Majesty as a present from Belgium.

I have, &c.  
(Signed) W. KIRBY GREEN.

Inclosure in No. 79.

Baron Whetnall to Sir W. K. Green.

Dear Sir William,

Mequinez, January 23, 1888.

I HAVE not been able yet to write to you to let you know how well I have been received by the Sultan, and how successful I have been in all my visits, because I was so very poorly after a serious attack of fever that I was quite unable to do a pen. I know you will rejoice at the good news I give you, because I also am aware that you are indebted for all this, and the very important service you have done me by recommending me to His Serene Majesty. I cannot find words to express my gratefulness and to thank you for your great kindness. You have acted towards me as a real friend.

My reception was splendid, and, the weather being so that could be wished for my entrance in the town was something truly wonderful. I could scarcely realise that it was not a dream, and that I was one of the actors of this fairy scene. After three days the Sultan received me with all the usual solemnity. New uniforms had been given to all the *askars* who were very bright in their scarlet coats. And Maclean was present and some of the troops had a very good appearance. At twelve o'clock the same day the Sultan received us privately in one of the Courts of his palace, and I came amongst us quite alone with a *Jellabin*, and remained talking with us and examining the presents for nearly three-quarters of an hour. He has allowed us to place the rails in one of his gardens, and is very impatient to try the little engine, in a few days everything will be in order. He was exceedingly kind and encouraging and treated us with the greatest friendship. I do not fail to tell His Majesty who are his real friends and the interest England takes in Moroccan affairs, as you told me I might do so. The Sultan said he well knew the friendship of England and her power. Cid Boubekeur has proved very useful to me, and has been constantly here. The Vizir Gharnat has talked to me about the French intrigues; they were still worse than I expected; all the tricks that M. F. has made use of are astonishing, and I will tell them you when I have the pleasure of seeing you in London. Meanwhile I thank you again for your kindness, and I beg you will present my respects to the ladies and my compliments to all the family.

Yours very sincerely,  
(Signed) B. WHETNALL.

N 80

Sir W. K. Green to the Marquis of Salisbury.—(Received February 7.)

(No. 17. Confidential.)

My Lord,

Tangier, January 30, 1888.

THE following is the substance of a message sent me by Cid Elmadel Gharnet, under the Sultan's orders, dated Mequinez, the 21st January, on the subject of His Sherrefian Majesty's movements and coming to Tangier.

His Majesty is going on an expedition to the Beni Mgied, and from thence to Melidia, Larache, Arzila, and Tangier; and the Sultan added that, from your letter to me, your friendship and readiness to assist him had become evident to His Sherrefian Majesty, and that when he comes to Tangier it will rest with your pleasure to celebrate His Majesty's arrival; but His Majesty is not yet certain as to the time of his arrival, but he is anxious to start from here on his expedition (to the Beni Mgied, in March).

I have, &c.  
(Signed) W. KIRBY GREEN.

*Sir Clara Ford to the Marquis of Salisbury.—(Received February 7.)*

(No. 15.)

My Lord,

Madrid, February 2, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 1 of the 12th ultimo relative to the question of the sovereignty of the Island of Peregil, off the coast of Morocco, and to inform your Lordship that at an interview I held yesterday with Señor Moret, the Spanish Minister of State, I showed him the "Derrotero General del Mediterráneo," vol. i, p. 142, and pointed out to him the passage which stated that "the Island of Peregil or Corral belongs to Spain, and as a dependency of Ceuta," and I inquired of his Excellency whether, the statement being incorrect, steps could not be taken to have it rectified in future editions of the book.

Señor Moret had evidently never seen the book before, and disclaimed its having the slightest official character, consequently, he could not interfere with it. He added that no doubt could exist now on the subject of the sovereignty of Peregil, as he had publicly stated in Cortes that the Spanish Government considered the island as belonging to Morocco.

I am not aware whether your Lordship has noticed it, but in Vogel's Map of Spain and Portugal, in four sheets, published by Justus Perthes at Gotha, and in which is included the northernmost point of Morocco where Ceuta is situated, that place is underlined with green to show it belongs to Spain, and the "Isla del Peregil" is likewise underlined green; so that the publishers of that Map must have fallen into the same error as Captain Carrasco did when he described the island in the "Derrotero General del Mediterráneo" as belonging to Spain.

I venture to suggest that the simplest method for the Admiralty to adopt with regard to this matter would be to revise the new edition of the "Mediterranean Pilot," and to state that the island in question is Moorish. The Admiralty would, I conclude, in that event, strike out the passage which runs as follows:—

"In 1740 a plan was made of the Peregil with the view of fortifying it, and converting it into a Presidency."

The word "Presidencia" is supposed to be a literal translation of the Spanish word "presidio," which really means a "convict Settlement," and has nothing to do with a Presidency.

I have, &c.  
(Signed) FRANCIS CLARE FORD.

No. 82

*Anglo-Jewish Association to the Marquis of Salisbury.—(Received February 7.)*

My Lord,

London, February 3, 1888.

IN view of the approaching Conference at Madrid upon the subject of Consular protection in Morocco, we, the Presidents of the London Committee of Deputies of the British Jews and of the Anglo-Jewish Association, beg leave to submit to your Lordship's consideration the oppressed condition of the 300,000 Jewish inhabitants of Morocco, who, as your Lordship is aware, suffer from the violence and injustice of the native authorities, especially in the interior of that country.

The statement which accompanies this Memorial sets forth the cruel disabilities under which the Jews of Morocco are labouring, and points out the circumstances which expose them, more than any other section of the population, to persecution and outrage.

As the future of our co-religionists in Morocco will very greatly depend on the result of the deliberations of the approaching Conference, it is of urgent necessity that such measures be devised as will relieve the Jews (who constitute the majority of the non-Mahomedans in the Moorish dominions) from their present degraded condition.

Since 1880, when a Conference was held on the same question, no material improvement has been effected in protecting the lives and properties of the Jewish subjects of the Sultan, whose immunity from all disabilities was solemnly promised in the Imperial Firman granted to the late Sir Moses Montefiore, Bart., in 1864.

We earnestly hope that, through the wise action of Her Majesty's Government, such safeguards may be provided in favour of the non-Mahomedan population of Morocco as

will satisfy the demands of justice and humanity, and will thereby have the effect of protecting the Jews of that country from cruelty and oppression.

We submit to your Lordship the following suggestions for improving the status of non-Mahomedans in Morocco, which were embodied in a Memorial we had the honour to present to your Lordship in 1880.

In order to improve the status of non-Mahomedans, without impairing the good feeling which should subsist between the various sections of the population, we venture to recommend

(a.) The removal, by Treaty, of the disabilities which now exist and which are in the main enumerated in the accompanying statement, and which exclusively affect the non-Mahomedan population.

Such Treaty also to embody the following provisions, viz.

(b.) Special Courts to be established to determine all questions and disputes between Mahomedan and non-Mahomedan subjects, and between non-Mahomedan subjects and the Government or its officials.

Such Courts to be open to non-Mahomedans, whose evidence should be declared to be admissible, subject to the like rules to those that govern the admission of the evidence of Mahomedans.

(c.) The provincial and local authorities to be deprived of the power of inflicting the bastinado, or any other bodily torture, and no person to be detained in prison, awaiting trial, beyond a definite period, to be fixed by the Treaty.

(d.) For the better protection of the lives and properties of non-Mahomedans, Commissioners (to be chosen by members of their own communities) to be appointed as intermediaries between the several non-Mahomedan communities and the Sultan's Government.

We are impressed with the deep conviction that, in the absence of such provisions as those above suggested, or of some other equally efficient safeguards, in the interest of the non-Mahomedans, the abolition or material modification of Consular protection would expose the lives and properties of non-Mahomedan bodies, even more than at present, to the rapacity and barbarity of the Moorish authorities.

In respectfully submitting our views to your Lordship, we confidently hope that they will be favourably considered by Her Majesty's Government, who have invariably lent their powerful and beneficent aid in ameliorating the condition of oppressed populations.

We have, &c.

(Signed) ARTHUR COHEN, President of the London  
Committee of Deputies of the British Jews,  
2, Paper Buildings, Temple  
JNO. SIMON, Vice-President of the Anglo-  
Jewish Association, 100, Sutherland Avenue

Inclosure in No. 82

*Statement of some of the principal Disabilities affecting the Jews of Morocco*

1. JEWS in the interior are compelled to reside in "Ghettoes."
2. They are not allowed to ride through any part of the town outside the Ghetto.
3. On leaving the Ghetto they are compelled to walk barefoot, and to remove their head covering until they re-enter their quarters. They are not allowed to carry a walking-stick, elderly and sick persons only being permitted to use a reed as a support. Moors frequently amuse themselves by throwing live coals, broken glass, old tinware, and such things in their way as they traverse the streets by Jews, and enjoy the fun of seeing the latter smart under the burn or wound inflicted on their bare feet. In Moorish quarters the Jew is not allowed to select a footpath to avoid rough walking, but must pass where the Moor does not want to pass. He is bound to pass the Moor on the left side, or if he fail to do so he must retrace his steps.
4. Jews venturing outside the Ghetto after sunset (except with the sanction of a Moorish official) are treated as outlaws, and become liable to the severest ill-treatment, with no means of redress.
5. They are not allowed to build houses above a certain height, nor to own property outside the Ghetto.
6. They are debarred from having stores or shops in the Moorish quarter of the town, where such wares as Moorish clothing, shoes, silks, &c., are sold; thus if any Jews should follow any of these industries they can only vend their wares through Moors.

7. When Government stores of grain or other articles are over-stocked or their contents damaged through long storage, the Jews are forced to buy them at the normal price of undamaged goods.

8. Jews, with their wives and daughters, are compelled to undertake work for any Government official at all times (even on Sabbaths and sacred festivals), and to receive payment far below the market rate of wages.

9. They are compelled to undertake work such as a Moor would consider degrading, e.g. the cleaning of sewers, carrying away the carcasses of dead animals from Government stables, &c.

10. When the heads of rebels or of criminals are sent to a town to be exposed at the town gate, the Jews are made to salt them before they are exhibited.

11. The Jews pay a capitation tax to be exempt from military services, but in paying this they have to submit to the humiliation of receiving a slap on the head.

12. Jewish parveyors (butchers, grocers, bakers, &c.) are bound to supply, gratis, all the requirements of various functionaries, otherwise their trade is sent off.

13. A Jew cannot appoint a Jewish attorney to plead before the Kadi against a Moor. Thus a Moor must either conduct his case in person, or must appoint a Moorish attorney, or suffer his case to pass as undefended. Neither is he allowed to act as the attorney of a Moor.

14. Jews are not allowed to follow any of the liberal professions.

15. Jews are disqualified for public offices or employments. Some of the old Sultans did employ Jews as Accountants and Receivers for the Treasury but in such instances the disrepute generally proved fatal to the favoured ones through the jealousy of the courtiers and the bad faith of the Sultans themselves.

16. Jews are required to wear a special costume, consisting of a black skull cap and black shoes, and are not allowed to adopt any attire that might lead others to mistake them for Moors.

17. Jews are not allowed to use public baths, and are even denied the use of baths in the Ghetto.

18. As the Mahomedans consider the Jews unclean, the latter are not allowed to drink from the public fountains in Moorish quarters nor to take water therefrom.

19. On public occasions, such as a Moorish festival or a birth, marriage, or death occurring in the family of a public functionary, the Jews are compelled to subscribe among themselves for presents to the functionary, and the same has to be done on Jewish festivals and on the death of any Jewish Notable.

20. Not being allowed to carry arms, they are exposed when travelling to robbery and murder, without a chance of defending their persons and property.

21. A Jew's life, if taken by a Moor, is compensated by the payment of a sum equal to 400. The murderer is subject to no other punishment, and is merely imprisoned until the blood-money is paid, and then the authorities abstract a large portion of the compensation, and hand over to the members of the murdered man's family a mere pittance.

22. A Jew's evidence is not admitted in a Court of Justice.

23. It is in the power of a Moor, by prosecuting a Jew or giving evidence against him, to have him condemned to the severest punishment; whilst if a thousand Jews were prepared to give evidence for the defence, not one of them would be admitted as a witness.

24. A Jew condemned to imprisonment or flogging has to pay the fees of all officials engaged in his punishment, and if too poor to pay these exactions he remains in prison, after the completion of his punishment until they are paid.

25. In the prisons and gaols they are not allowed the use of the common rooms, but are invariably confined in "cloques" or places of that sort.

26. If a Jew is suspected of immoral intercourse with a Moorish woman (though she be a prostitute), he is liable to imprisonment for an indefinite period, and he may be flogged to extort from him a confession of his guilt. If he confess, even under torture, or if witnesses establish the charge against him (these being of the Mahomedan faith), death is his punishment.

27. If Moors choose to assert that a Jew has abjured his faith, he is compelled to become a Moslem, and should he afterwards attempt to conform to the Jewish ritual, he would be liable to be stoned or burned to death.

London, February 1888.

M. Moret to Señor del Mazo.—(Communicated confidentially to the Marquis of Salisbury by Señor del Mazo, February 7, 1888.)

(Extracts.)

JE viens de recevoir votre telegramme, qui m'a satisfait beaucoup, et en réponse je m'empresse à vous dire que vous avez très bien fait de porter à la connaissance de Sir Julian Pauncefote ma note à M. Leon y Castillo, en réponse à celle de M. Flourens de 4 Janvier.

De cette manière les doutes seront dissipés, parceque tout ce qu'arrive, selon je me suis persuadé après avoir parlé avec Sir C. Ford, c'est que la conduite de Dnoslado et de Feraud à Tanger en agissant pour son propre compte, se mettant d'accord sur ce point qu'ils n'avaient pas été autorisés à faire, et en communiquant tout ce qu'ils ont vu, sans en avoir eu la permission, a dû procurer une grande confusion partout, et soulever le soupçon. Le paysan servant avec nous le dit sans doute d'abord à un tel, et ce la Feraud et l'autre en sachant de faire aller à la Conférence les autres. Ils savaient sans doute que ce qu'il y avait de cet est absurde, et il suffit de faire entendre sur ce point de fait pour se convaincre de cela, ainsi que Sir Clare Ford lui tout de suite persuade d'abord, parceque s'il avait eu une idée quelconque d'intelligence entre Feraud et Dnoslado l'affaire aurait resté secrète et on ne lui aurait pas dit qu'il y avait eu une cause de tout et après, parceque ceci sera absolument impossible de continuer d'être en communiquant la note de 4 Janvier au Gouvernement et en se faisant attendre un aperçu de ma réponse. Il suffit de faire connaître ce fait pour faire disparaître tout cet attirail, mais encore il est convenu que ce Gouvernement nous fasse à que vous sachiez savoir que Feraud n'avait pas des instructions de son Gouvernement. Que Dnoslado ne les avait pas de moi, excepté que pour religer le M. Moret qui on lui avait chargé de faire à tous les Représentants. Le fait personnellement de recevoir le Rapport à son Gouvernement, que, à cause de ce, selon M. Moret, il n'avait pas demandé un nouveau Rapport à M. Feraud, mais il n'a pas pu le faire sans l'accord avec ce qui a été proposé par celui-ci et M. Dnoslado, et c'est le fait que la déclaration semblable le résultat est que tout ce qui a été fait à Tanger est tout simplement fantastique par la volonté et le caprice de ces deux Messieurs.

No. 84.

Foreign Office to Admiralty.

Sir,

Foreign Office, February 7, 1888.

I AM directed by the Marquis of Salisbury to transmit to you herewith copy of a despatch from Her Majesty's Minister at Tangier relating to the proposed visit to Tangier by the Sultan of Morocco in the spring of this year.

In laying this despatch before the Joint Committee on the subject, I have to request you to state to that Committee that Lord Salisbury thinks it desirable that arrangements should be made for carrying out Sir W. K. Green's suggestion in the event of the Sultan's visit taking place.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 85.

Sir E. Monson to the Marquis of Salisbury.—(Received February 8.)

(No. 8.)

My Lord,

Copenhagen, February 6, 1888.

IN obedience to the instructions contained in your Lordship's despatch No. 5 of the 2nd instant, I have informed the Minister for Foreign Affairs that Her Majesty's Government have great pleasure in acceding to the request of the Danish Government that Her Majesty's Ambassador at Madrid should consider himself as representing the interests of Denmark at the proposed Conference for the modification of the Convention of 1880 in regard to foreign protection in Morocco.

I have, &c.

(Signed) EDMUND MONSON.

74  
No. 86.

*The Earl of Lytton to the Marquis of Salisbury.—(Received February 8.)*

(No. 76.)  
My Lord,

*Paris, February 8, 1888.*

IN the course of an interview with the French Minister for Foreign Affairs this day I conveyed to him the information contained in your Lordship's despatch No. 5<sup>a</sup> of the 2nd instant, with regard to the invitation which the Spanish Government appears to have addressed to the Porte to be represented at the proposed Conference on the affairs of Morocco. In thanking me for this information, M. Flourens stated that he was not aware for what reason Turkey or even Russia had been included among the Powers to whom invitations were addressed.

I have, &c.  
(Signed) **LYTTON.**

No. 87.

*Sir E. Monson to the Marquis of Salisbury.—(Received February 9.)*

(No. 10.)  
My Lord,

*Copenhagen, February 7, 1888.*

M. VEDEL to-day begged me to express to your Lordship the very grateful thanks of the Danish Government for the manner in which the request which they had made through their Chargé d'Affaires in London to be represented by Sir C. Ford at the approaching International Conference at Madrid had been acceded to by Her Majesty's Government.

I have, &c.  
(Signed) **EDMUND MONSON**

No. 88.

*Sir E. Monson to the Marquis of Salisbury.—(Received February 11.)*

(No. 12.)  
My Lord,

*Copenhagen, February 8, 1888.*

WITH reference to my despatch No. 10 of yesterday's date, I have the honour to transmit copy of a note which I have just received from the Minister for Foreign Affairs conveying the thanks of the Danish Government for the reception given by Her Majesty's Government to their request that Sir C. Ford should be authorized to represent the interests of Denmark at the Madrid Conference.

I have, &c.  
(Signed) **EDMUND MONSON**

*Inclosure n No 88*

*Haron Rosenorn-Lehn to Sir E. Monson.*

M. le Chevalier,

*Copenhague, le 8 Février, 1888.*

PAR la lettre que vous m'avez fait l'honneur de m'adresser le 5 courant vous m'informez que, pour venir au devant du désir exprimé de la part du Gouvernement du Roi, son Excellence Sir Clare Ford, Ambassadeur de Sa Majesté la Reine, sera chargé de représenter à la prochaine Conférence de Madrid les intérêts Danois en même temps que ceux de son pays.

En me permettant de vous prier de vouloir bien exprimer à votre Gouvernement toute notre reconnaissance du bon accueil fait à la demande qui lui avait été adressée à ce sujet—je profite, &c.

(Signé) **J. ROSENORN-LEHN**

75  
No. 88\*

*Newspaper Extract, February 11, 1888*

#### THE MADRID CONFERENCE.

Sir E. Fowler asked the Under-Secretary of State for Foreign Affairs whether Her Majesty's Government were able to give the House any information as to the date at which the Madrid Conference would meet the Powers that would be represented at it, and the special objects for which it was summoned.

Sir J. Ferguson.—No, Sir; those matters are not yet settled.

No. 89\*

*Sir W. K. Green to the Marquis of Salisbury.—(Received February 12, 11 P.M.)*

(No. 1.)  
(Telegraphic.)

*Tangier, February 12, 1888, 7:30 P.M.*

MOORISH Commissioner for Foreign Affairs, accompanied by two other high officials, has left this afternoon for Civita Vecchia in a Spanish ironclad, to proceed to Rome to present to the Pope Sultan's congratulations on his Jubilee.

The despatch of this Mission has taken everybody by surprise; and though the Spanish Minister states he was a stranger to it, I have no doubt the Spanish Government recommended it.

No. 90\*.

*Admiralty to Foreign Office.—(Received February 13.)*

(Confidential.)

*Admiralty, February 11, 1888.*

Sir,  
WITH reference to your letter of the 7th instant, inclosing copy of a despatch from Her Majesty's Minister at Tangier, relating to a report of a projected visit to Tangier by the Sultan of Morocco in the spring of this year, and stating "that it is most desirable that Mulai Hassan should have an opportunity of realizing by ocular evidence the naval strength of Great Britain," I am commanded by my Lords Commissioners of the Admiralty to request that you will state to the Marquis of Salisbury that the Channel Squadron, now at Genoa and Spezia, when no longer required at those places, will return to Gibraltar; and, if the visit of the Sultan of Morocco to Tangier should be really decided to take place, the Channel Squadron can be retained at Gibraltar for the purpose of visiting Tangier, provided that they leave that place not later than the 3rd April, as it is necessary that the ships of the squadron should return to their respective ports in England by the 10th April.

I am, &c.  
(Signed) **EVAN MACGREGOR.**

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*The Marquis of Salisbury to the Earl of Lytton.*

(No. 73.)

Sir,

*Foreign Office, February 11, 1888.*

WITH reference to the remark made by the French Minister for Foreign Affairs, as reported in your Excellency's despatch No. 76 of the 6th instant, that his Excellency was not aware for what reason Turkey or even Russia had been included among the Powers to whom invitations had been addressed to attend the approaching Conference on the Affairs of Morocco, I have to observe that, though Russia took no part in the proceedings of the Madrid Conference of 1880, she became a party to the Convention by adhering to it subsequently to its signature by the other Powers.

I am, &c.

(Signed) SALISBURY.

No. 90.

*Aborigines' Protection Society to Foreign Office.—(Received February 13.)*

Sir,

*Broadway Chambers, Westminster, February 10, 1888.*

SIR ROBERT FOWLER has asked me to answer your note.

The meeting at which the enclosed Resolution was passed was held at the instance of the Committee of this Society. Sir R. Fowler presided; and it was attended by about sixty gentlemen, many of them being city merchants, and others, representing various public bodies which are interested in the affairs of Morocco.

We were anxious to show that the public take a real interest in this protégé question from our point of view; and this, I think, we succeeded in doing.

Your, &c.

(Signed) F. W. CHESSON

*Inclosure in No. 90.*

*Resolution passed at a Conference held at Spencer House, Spencer Street, Westminster, on Tuesday, February 7, 1888. Sir R. Fowler in the Chair.*

THIS meeting supports the suggestion that a Joint or Collective Consular Tribunal should be established in the place of the present individual and conflicting jurisdiction of the various foreign Consulates in Morocco, and trusts that Her Britannic Majesty's Representatives at the approaching Conference at Madrid may deem it advisable to submit some scheme for the establishment of a Joint Consular Tribunal at Tangier and the other towns where there are foreign Consuls.

No. 91

*Sir W. K. Green to the Marquis of Salisbury.—(Received February 14.)*

(No. 18.)

My Lord,

*Tangier, February 6, 1888.*

IN acknowledging the receipt of your Lordship's despatch, No. 7 of the 24th ultimo, I have the honour to inform your Lordship that I have already replied, under my despatch No. 15, Confidential, of the 20th ultimo, to Mr. Perle's Memorandum on the subject of Protection, and that I have now ascertained from Mr. Reed Lewis, the United States' Consul, that the so-called "Father of the Prison" was released from the Larache prison in the month of September last.

The story of the "Father of the Prison" Mr. Reed Lewis considers was worked up for foreign consumption, though there is no doubt the man had been detained a long time in prison. He was liberated on Mr. Reed Lewis's demand, as he had formerly been imprisoned at the instance of Mr. Reed Lewis's predecessor, and there has never been any need for a joint foreign representation to the Moorish Government.

FC. 463/62

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for the poor captive's release. Nor is it at all likely that he was ever used by the Authorities as a living register of the prisoners detained in the Larache gaol.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 92.

*Sir E. Malet to the Marquis of Salisbury.—(Received February 14, 5-10 p.m.)*

(No. 4.)  
(Telegraphic.)  
MOROCCO.

*Berlin, February 14, 1888, 4-5 p.m.*

Spanish Ambassador has informed Count Bismarck and me that M. Flourens has withdrawn his demands respecting the proposed Conference at Madrid in respect to exclusion of commercial questions and previous agreement on other points with Spanish Government, and now only asks to be informed what Articles of the previous Conference it is proposed to modify, and that merely in order not to find himself in opposition to Spain in the Conference on those points.

No. 93.

*Sir Clare Ford to the Marquis of Salisbury.—(Received February 14, 11 p.m.)*

(No. 2.)  
(Telegraphic.)

*Madrid, February 14, 1888, 8-45 p.m.*

MADRID papers publish a telegram to-day from Tangier relative to the dispatch of a Moorish Embassy to the Pope, one of the objects of which, it is stated, is to obtain through the intervention of the Pope, the consent of the French Government to assist at the proposed Conference to be held at Madrid.

Minister for Foreign Affairs informs me that the statement is devoid of all foundation, the object of the Embassy being merely one of sympathy and kind feeling.

No. 94.

*The Marquis of Salisbury to Sir Clare Ford.*

(No. 23.)  
Sir,

*Foreign Office, February 14, 1888.*

WITH reference to my despatch No. 16 of the 2nd instant, I transmit herewith, for your Excellency's information, a translation of the Memorandum communicated to me by the Spanish Ambassador at this Court of Señor Moret's despatch of the 18th ultimo to the Spanish Ambassador in Paris in regard to the approaching Conference on foreign protection in Morocco.\*

Your Excellency will observe, in comparing this Memorandum with the extract forwarded by Her Majesty's Ambassador at Berlin, copy of which accompanied my despatch No. 16 of the 4th instant, that paragraphs 3, 5, 6, and 10 are omitted in the latter, and that paragraph 2 of the Memorandum is given more fully than the corresponding passage of the extract.

I am, &c.  
(Signed) SALISBURY.

No. 95.

*Foreign Office to Mr. D. Mackenzie.*

Sir,

*Foreign Office, February 14, 1888.*

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 31st ultimo, with copies of your Report on the condition of the Moorish Empire, which you think may be of interest in view of the approaching Conference to

\* No. 43.

be held at Madrid, and, in thanking you for your communication, I am to state that your suggestions will be considered.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE.

No. 96.

*Sir Clare Ford to the Marquis of Salisbury.—(Received February 15.)*

(No. 19. Confidential.)

*Madrid, February 12, 1888.*

My Lord,

I HAVE the honour to inform your Lordship that last evening I saw Señor M., the Spanish Minister of State, and I inquired of him what progress he was making at Paris with regard to the meeting of the Conference on the affairs of Morocco.

His Excellency replied that, although he had not received a reply to the despatch which he had addressed to the Spanish Ambassador in Paris on the 18th ultimo (extract of which was forwarded to me in your Lordship's No. 18, Confidential of the 4th instant), he was still sanguine of overcoming the objections which were raised by the French Government as to the subjects to be discussed at the Conference, and as to that of the protection of natives alone.

Señor Moret then volunteered to state that, in his opinion, were the Conference to meet, it would be inexpedient to broach the subject of an agreement being arrived at by the Powers represented at the Conference to guarantee the political and territorial integrity of the Empire of Morocco. "The mere mention of such a thing," said Señor Moret, "would be enough to frighten the French away; and you will understand, I added, that I have 'des ménagements' to preserve with our neighbouring Republic. Should it be found, later on, necessary to take steps in the direction of common action against France in Morocco, we could always," he said, "have recourse to the framing of a fictive note such as that which we had addressed to the Moroccan Minister for Foreign Affairs in the summer of last year concerning the maintenance of the integrity of the Moroccan Majesty's dominions."

Señor Moret holds tenaciously to seeing the Conference meet, and trusts to France agreeing to his present programme, which appears to comprise, in the first place, simply an investigation of the abuses which are committed in the administration of the Madrid Convention of 1880 regarding the protection of natives, and a view to removing them, and, secondly, a declaration of the necessity of the Moroccan Government providing for commercial advantages to be granted to foreign countries.

I have, &c.  
(Signed) FRANCIS CLARE FORD.

No. 97.

*Sir W. White to the Marquis of Salisbury.—(Received February 17.)*

(No. 42.)

*Constantinople, February 3, 1888.*

My Lord,

THE Sultan has just appointed His Imperial Majesty's Delegate to the approaching Conference at Madrid, and this with a view to send him later on as Ottoman Representative to Morocco, as there exists a desire here to establish diplomatic relations with that Mussulman country.

Very little is known about Shemseddin Effendi except that he is a Circassian and, as such a protégé of the Palace; that he has been till lately Chief of the Consular Department at the Port of Constantinople; and is reported to be the brother of a Circassian female, one of the Sultan's children.

His departure will not, however, take place just yet.

I have, &c.  
(Signed) W. A. WHITE.

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Consul Sandwich to the Marquis of Salisbury.—(Received February 18.)

(No. 2. Commercial.)

My Lord,

Tunis, February 9, 1886.

I HAVE the honour to inclose some tables of statistics showing the work accomplished by the French Tribunal in Tunis since its opening in 1883. These tables I have left in the original French, as it is not always easy to render French legal terms into equivalent English ones.

As your Lordship is aware, it was not till the close of 1883 that the British Consular Court was suppressed, and that British subjects became amenable to the local French jurisdiction. A second Chamber was opened in October 1886, as it was found that the single Chamber was quite unequal to cope with the number of cases brought before it for adjudication. The Judicial Bench now consists of a President, two Judges, and two supplementary Judges, forming the First Chamber, and a Vice-President, two Judges, and two supplementary Judges for the Second Chamber. Civil cases are disposed of in five sittings a week, divided between the two Chambers, while one day a week is devoted to cases of *insolvent*. Out of the entire year of 365 days there are 184 during which the Courts do not sit for the hearing of civil cases, viz., the 61 days of August and September, when they are in vacation (with the exception of four sittings a month for urgent cases); 64 days are occupied by the Criminal Assizes; there are 44 Sundays during the ten months from October to July; and 18 days are occupied by the fêtes of Christmas and Easter.

In spite of the increase made to the magistrature by the formation of a Second Chamber, it has been found impossible to dispose of all the cases awaiting their turn for judgment, and accordingly a new Court of First Instance has been opened at Sousse, before which will be tried all cases of litigation arising in the South of the Regency. Independently of the accumulation of work which hampered the Court at Tunis, it was imposing grievous expenses on suitors residing at places 200 miles away to oblige them to carry their suits to a distant capital. It is expected that the Court at Sousse will be opened in April next, and it cannot fail greatly to lighten the work here. It is now hoped that no cases will be delayed a hearing for more than three months. A certain advantage is gained in not bringing all suits to judgment immediately, as delay sometimes affords the parties an opportunity of amicably settling their differences.

By the Anglo-Tunisian Treaty of 1863 British subjects are amenable to the Beylical Court of Shoria in all cases affecting real property. Up to the French occupation of 1881 no complaint seems to have made itself heard against the practice of this Court, which was much influenced by the prestige enjoyed by the Representative of Her Majesty's Government, who had always a delegate present when any important case came on for trial. But since the advent of the French all local influence is engrossed by them, so that this Court no longer inspires the confidence it once enjoyed, nor can suitors employ European lawyers, the language in use being Arabic. Moreover in this Court Christian evidence is not admitted, not even in cases when the adversary is non-Muslim.

When the Decree of July 1886 for the registration of real property was published in imitation of the Torrens Act of Australia, a special mixed tribunal was instituted composed of five members, three French and two native, which should decide all cases of litigation to which the registration of land might give rise. The legality of this Court has latterly been called in question, seeing that it is contrary to the Treaty of 1863, and it is doubtful whether a judgment given by it against a British subject could be legally executed. I have reason to believe that the French Resident-General shares this view, and that the extension of the competence of the French Tribunal to cases affecting real property is contemplated, should foreign Powers not raise objections to that measure. So far as I am able to form an opinion, holders of real property of British nationality would welcome such a change, as affording them better guarantees of justice.

Complaints have not been infrequent of the power assumed by the Municipality of Tunis of inflicting fines on Europeans for transgressions of their rules. Such a power was not recognized before the arrival of the French.

Again, I beg to refer to the Decree of the 10th November, constituting a Commission for assessing the house tax, which formed the subject of my dispatch No. 17, of the 11th December last. An instance is here afforded in which the property of foreigners is not surrounded by the guarantees formerly enjoyed.

Lastly, there is a growing desire on the part of the European community to

a Court of Appeal established in Tunis, thus obviating the necessity of parties appearing before the Appellate Court at Algiers. The French Resident-General is in full sympathy with Europeans on this point, and has, I understand, recommended the establishment of such a Court.

I have, &c.  
(Signed) THOMAS B. SANDWICH.

Inclosure in No. 98.

Mouvement Général des Affaires du Tribunal de Tunis.

TABLEAU I.—Entrées.

	Années				
	1883	1884	1885	1886	1887
Affaires civiles .. ..	191	494	749	982	1,090
.. commerciales .. ..	309	512	846	498	693
.. correctionnelles .. ..	47	180	453	449	555
.. criminelles .. ..	..	8	8	24	34
	597	1,194	1,776	1,963	2,380

TABLEAU II.—Sorties.

	Années				
	1883	1884	1885	1886	1887
Affaires civiles .. ..	145	31	55	66	121
.. commerciales .. ..	..	453	53	66	74
.. correctionnelles .. ..	4	137	400	437	657
.. criminelles .. ..	..	5	5	24	31
	516	647	1,007	1,172	2,014

TABLEAU III.—Affaires restant à juger au 31 Décembre, 1887.

Entrées .. ..	7,841
Sorties .. ..	7,232
Restant .. ..	614

TRIBUNAUX DE TUNIS.

Mois	Civile					Commerciale					Correctionnelle				
	Requis	Enregistré	Enregistré	Enregistré	Enregistré	Requis	Enregistré	Enregistré	Enregistré	Enregistré	Requis	Enregistré	Enregistré	Enregistré	Enregistré
1886—															
Octobre .. ..	39	164	4	61	6	10	14	19	5	1	39	24	3	3	3
Novembre .. ..	46	181	38	29	4	16	28	36	54	5	13	15	32	2	2
Décembre .. ..	39	172	15	17	4	14	1	26	58	30	10	2	24	2	2
1887—															
Janvier .. ..	49	165	12	0	12	20	17	42	11	11	2	9	20	4	4
Février .. ..	50	170	20	5	12	17	6	18	14	14	1	10	9	1	1
Mars .. ..	61	98	39	27	8	10	5	60	13	1	14	1	1	1	1
Avril .. ..	36	54	24	24	1	2	34	23	3	3	12	9	1	1	1
Mai .. ..	44	164	8	1	1	1	6	20	21	1	12	4	49	1	1
Juin .. ..	30	82	14	24	1	1	1	17	26	10	20	4	20	1	1
Juillet .. ..	51	179	43	10	10	16	49	64	32	24	2	17	34	3	2
Septembre .. ..	7	41	2	3	3	4	1	16	8	8	1	41	12	1	1
Octobre .. ..	54	110	1	3	8	1	24	4	19	19	1	17	17	1	1
Total .. ..	520	1,792	211	331	163	92	221	687	306	240	25	56	162	24	24

## RÉCAPITULATION.

Référé	..	..	..	..	..	755	
Civils—							
Enrôlements	..	..	..	..	..	1,292	
Jugements contradictoires	..	..	..	..	..	324	
par défaut	..	..	..	..	..	331	
préparatoires	..	..	..	..	..	163	
sur requête	..	..	..	..	..	202	
Royals	..	..	..	..	..	235	
Commerces—						1,195	
Enrôlements	..	..	..	..	..	667	
Jugements contradictoires	..	..	..	..	..	308	
par défaut	..	..	..	..	..	240	
préparatoires	..	..	..	..	..	53	
sur requête	..	..	..	..	..	156	
Royals	..	..	..	..	..	162	
Correctionnelle—						917	
Enrôlements	..	..	..	..	..	564	
Jugements contradictoires	..	..	..	..	..	312	
par défaut	..	..	..	..	..	3	
Royals	..	..	..	..	..	3	
Jugements sur requête	..	..	..	..	..	334	

Affaires jugées du 1<sup>er</sup> Janvier 1886, au 31 Octobre, 1887

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## JUSTICE DE PAIX DE TUNIS.

(Statistique du 1<sup>er</sup> Janvier, 1884, au 30 Novembre, 1887)

Année	Affaires Civiles et Commerciales			Simple Police			Actes du Greffe	Affaires en conciliation
	Enrôlés	Idem.	Contradict.	Arrangés, voyes, référés	Jugés contradict.	Idem		
1884	2,316	1,221	7	1	230	4	208	283
1885	3,151	1,13	1,182	1	147	11	200	283
1886	3,580	1,185	58	57	161	1	21	278
1887	3,849	1,75	106	118	11	91	201	211
Total	12,896	4,504	4,817	167	1,057	112	852	10,294

\* Dans ce total de 701 figurent toutes les affaires corrigées, celles jugées, et yées, et restant à juger depuis le 1<sup>er</sup> Décembre courant.Le Greffier,  
(Signé) HOULES.

Tunis, le 14 Décembre, 1887.

## No. 90.

Memorandum communicated by M. d'Antoz, February 18, 1888.

Le Gouvernement Espagnol a invité les Gouvernements étrangers à se faire représenter à une Conférence, qui doit se réunir à Madrid, dans le but d'examiner s'il y a des modifications à faire aux droits exercés dans le Maroc par les Puissances européennes sur leurs propres sujets et sur les sujets Marocains qui sont au service des Puissances, et des questions de commerce qui y sont liées.

Le Gouvernement Portugais ne voit pas l'inconvénient à restreindre dans une certaine mesure ses droits de protection, en vue du système d'administration de l'Empire Marocain, mais à partie qui se rapporte aux Européens.

Le Gouvernement Portugais désire connaître l'opinion du Gouvernement Britannique, afin de marcher d'accord avec lui.

Les journaux Français et Allemands ont attribué au Gouvernement Espagnol des

arrière-pensées au sujet du Maroc. Les journaux Français, surtout, se sont montrés très défiant.

Le Gouvernement Britannique a-t-il remarqué ces attaques, ces méfiances?

Le Gouvernement Portugais pense qu'il y aurait tout avantage à ce que la Conférence se tint strictement dans les limites du programme officiel du Gouvernement Espagnol, acquiesçant pour base le maintien du statu quo par ce qui concerne l'intégrité et l'autonomie de l'Empire Marocain.

Le Gouvernement Portugais serait très heureux d'apprendre que c'est aussi l'opinion du Gouvernement de Sa Majesté Britannique.

Il serait également heureux de connaître l'opinion du Gouvernement de Sa Majesté au sujet des concessions commerciales que l'on pourrait obtenir du Gouvernement Marocain en échange des modifications ou restrictions des droits de protection.

## No. 100.

The Marquis of Salisbury to Sir W. K. Green.

(No. 4.)  
(Telegraphic.)

Foreign Office, February 17, 1888

YOUR despatch No. 17, Confidential.  
Is Sultan likely to visit Tangier before 3rd April?

## No. 101.

The Marquis of Salisbury to Sir Clare Ford.

(No. 29.)  
Sir,

Foreign Office, February 18, 1888.

THE Spanish Ambassador at this Court called at the Foreign Office on the 16th instant to state that the French Government had taken exception to the Porte having been invited to take part in the proposed Conference at Madrid. Señor del Mazo was to explain that it had been the intention of his Government to invite Turkey to the Conference of 1880, but the idea was abandoned because at that time there was no permanent Turkish Representative at Madrid. The case is different now, and the Spanish Government think that the Turkish Minister at Madrid should have a seat in the Conference. They have therefore instructed his Excellency to inquire whether Her Majesty's Government have any objection to offer.

I have replied that they have none.

I am, &c  
(Signed) SALISBURY.

## No. 102.

The Marquis of Salisbury to Sir Clare Ford.

(No. 30.)  
Sir,

Foreign Office, February 18, 1888.

THE Spanish Ambassador at this Court called at the Foreign Office to-day to announce, by direction of his Government, that the French Government had abandoned the conditions which they had recently insisted on before taking part in the Conference on the affairs of Morocco; that the Spanish Government retain their entire freedom of action, and that they are now in a position to issue very shortly the invitations to the Powers.

I am, &c  
(Signed) SALISBURY.



Sir W. K. Green to the Marquis of Salisbury.—(Received February 19, 9 P.M.)

(No. 3.)

(Telegraphic.)

Tangier, February 19, 1888, 5-55 P.M.

YOUR Lordship's telegram No. 4.

It is quite impossible to fix the exact date of the Sultan's arrival here. Last accounts from the Court say His Majesty purposes starting about the middle of March, but nothing can be depended upon until the Sultan is actually on the march.

Sir E. Malet to the Marquis of Salisbury.—(Received February 20.)

(No. 52. Ext. 4.)

My Lord,

Berlin, February 14, 1888.

I HAVE had the honour to inform your Lordship, by telegraph, to-day, that both Count Rumorck and I have been told by Count Benomar, the Spanish Ambassador at this Court, that the French Minister for Foreign Affairs has withdrawn the demands which he made with respect to the Conference on Moorish affairs which it is proposed to hold at Madrid, viz., for the exclusion of the commercial question, and for a previous agreement on other points with the Spanish Government; and that he at present simply requests that he may be informed as to which of the Articles of the former Conference it is proposed to modify; and that he desires this information only to avoid finding, with respect to them, that he is in opposition to the Spanish Government at the Conference.

I have, &c.

(Signed) EDWARD B. MALET

Sir Clare Ford to the Marquis of Salisbury.—(Received February 20.)

(No. 20. Ext. 2.)

My Lord,

Madrid, February 16, 1888.

WITH reference to my telegram of last evening, in which I had the honour to inform your Lordship that there was no truth in the report that the Moorish Embassy, which had left Tangier for Rome, was charged with the mission of soliciting the intervention of the Pope to induce France to assist at the proposed Conference to be held at Madrid on Moorish affairs, I have the honour to transmit herewith to your Lordship translation of an interesting article which was published last night in the evening edition of the "Correo" newspaper, in which a brief history is given of the motives which have induced the Government of His Moroccan Majesty to dispatch an Embassy to Rome, and which have nothing whatever to do with the subject which has been attributed to it in late telegrams from Tangier.

I have, &c.

(Signed) FRANCIS CLARE FORD.

Inclosure in No. 105.

Extract from the "El Correo" of February 14, 1888.

(Translation.)

THE EMBASSY OF MOROCCO TO THE VATICAN.—The fact to which the telegrams of the "Imparcial" refer, and of which we yesterday informed our readers, announcing the departure of the "Castilla" for Civita Vecchia, not for Geneva, as the "Imparcial" states, is an act which deserves to interest public opinion in Spain, and one of which we can give interesting details to our readers.

According to our information, the Sultan of Morocco, in imitation of the Sultan of Turkey and the Shah of Persia, expressed a wish to send an Embassy to the Holy Father to congratulate him on his sacerdotal Jubilee.

The great authority enjoyed by the Rev. Father Serchundi in Morocco caused the Sultan to have recourse to the Franciscan, who, as Chief of the Spanish Missions, has given such proofs of wisdom and prudence. As was natural, Father Lerchundi not only received

the idea favourably, but offered to assist the Sultan by asking the Spanish Government to provide the Embassy with the means of reaching Italy in an honourable manner, for, as is well known, Morocco has no navy.

In view of this, the Sultan appointed as his Ambassador the Governor of Tangier, Abd El Sadoc, the same who represented Morocco in the Embassy which came to Spain in the last days of King Alfonso to induce him to modify the protection system; but Abd El Sadoc fell ill about the time that he received the order to set out on his mission, and his illness naturally delayed the departure of the Legation, because, owing to his advanced age, there is but little probability of his speedy recovery.

The Sultan then designated in his stead his Minister for Foreign Affairs, Mohammed Ben el Arbi El Torres, who had already been appointed Moorish Representative in the Madrid Conference. Torres is accompanied by the son of Abd El Sadoc, Ben Ahmed Er-rifi, and, as Secretary, Doctor Ahmed El Querdudi, and with them is Father Lerchundi, as being a man loved and respected by the Sultan, who has already on several occasions accompanied Moorish Ambassadors, and whose services are esteemed by the Sultan as well as by the Moorish people.

The Embassy is sent to the Pope as Chief of the Bishops of Christendom, seated on the throne of the Prince of the Apostles, and appointed to decide religious questions, and the Ambassadors are charged to inform His Holiness that the Sultan knows how great is the renown of his wisdom, and how his fame has spread throughout the world. The Sultans of Morocco, who of old have been on the best terms of friendship, affection, and intelligence with the Franciscans, take credit to themselves for having always accorded them shelter and asylum to live in Maghreh, and to help and assist Christians in the exercise of their religion.

The present Sultan also boasts of the favour which he has shown and to follow in the footsteps of his predecessors was to inform His Holiness that he wishes to have the Embassy which is to make him aware of the admiration which Morocco, for the goodness, virtues, and charity of the Pontiff and into these sentiments. The Pontiff of the Pontiff for the Queen of Spain, the exalted friend of the Sultans of Morocco, greatly enters.

As was natural, the Government hastened to respond to the request of Father Lerchundi, and placed at the disposal of the Embassy the cruiser "Castilla," and Father Lerchundi was authorized to accompany the Moorish Mission to Rome.

Such is the origin and history of this remarkable Embassy, one of the most extraordinary and memorable of those which the Supreme Pontiff has received on his Jubilee, and the presence of which in Rome will be a motive of legitimate satisfaction for the Spanish people.

With regard to the political character of the Mission attributed to it by the "Imparcial" telegram, and particularly to the purposes attributed to it with respect to the Conference, there is no necessity to contradict them even, as a mere perusal of these statements proves that they are a product of the ignorance displayed by the Tangier correspondents on this subject.

Sir Clare Ford to the Marquis of Salisbury.—(Received February 20.)

(No. 21. Confidential.)

My Lord,

Madrid, February 16, 1888.

WITH reference to your Lordship's despatch No. 22 of the 15th instant, which reached me this morning, containing copy of a telegram which had been addressed on the 12th instant to your Lordship by Sir Kirby Green, relative to the Moorish Embassy to Rome, I have the honour to report to your Lordship some particulars regarding that event which I gathered yesterday at an interview I had with Señor Morot, the Spanish Minister of State.

Señor Morot informed me that the idea of sending an Embassy from Morocco to the Vatican originated from the brain of Father Lerchundi who was in Morocco, and was communicated by him directly to the Queen Regent, and it was Her Majesty who first spoke to Señor Morot on the subject.

The Queen Regent having found no objection to it, Señor Morot agreed also, and was not sorry of an opportunity of gratifying the Moorish Government in this respect and at the same time of procuring for Spain the advantage of being able to convey an Embassy of such a remarkable character to Italy under the Spanish flag, in a Spanish man-of-war. Of course, thought Señor Morot, this circumstance would tell on the side



We found 1 this on the 12th of February 1961 in the year 1961 in the year 1961.

Mr. Clare Ford to the Marquis of Salisbury.—(Receiv. 1894, 24)

M. J. February 12, 1964.

M. Florens had informed Señor León y Castañeda, Spanish Ambassador at Paris, in reply to the note which Señor Moret had addressed to him on the 4th ultimo that, in order to avoid all misunderstanding, he was desirous of leaving the matter pending to the conference to be discussed at Madrid. Mr. Moret and the French Ambassador

M. Cambon then invited Senor Moret to draw up and communicate to him before the meeting of the Conference the conditions and modifications which, in his opinion, might be made with advantage in the Madrid Convention of 1880 to which invitation Senor Moret acquiesced. He stated, however, that, owing to the great press of public business, he would be unable to give the work his attention until the expiration of the present week.

which he had touched on the subject of France's behaviour in approaching the Government of His Serene Highness the Emperor of Spain on commercial affairs without having consulted Spain

(Signed) FRANCIS CLARE FORD

*Mr. J. G. Kennedy to the Marquis of Salisbury — (Received February 20.)*

My Lord

*Rome, February 16, 1999.*

I have now the honour to inclose translation of his Excellency's reply, in which

he informs me that the Italian Government have instructed their Agent at Tunis to protest formally against the Decree in question, as contrary to the first paragraph of Article II of the Protocol of the 25th January, 1884.

I have, &c.  
(Signed) J. G. KENNEDY.

Inclosure in No. 110.

Signor Ciampi to Mr. J. G. Kennedy.

(Translation.)

M. le Chargé d'Affaires,

Rome, February 13, 1888.

I HAVE received the Note which you addressed to me on the 4th instant, respecting the changes introduced by a Decree of the Bey of Tunis, dated the 8th November, 1887, in the procedure hitherto in force for applying to foreigners the tax of the "Carabba" (on the letting value of real property).

A preliminary examination of the question, which was reported to me by the Italian Agent at Tunis, led me to inquire whether the changes introduced by the above-mentioned Decree constituted a violation, not named of Article III of the Protocol signed at Rome on the 25th January, 1884 (in which Article the word "Tribunaux" must evidently be understood to refer not merely to the only Tribunal existing in Tunis, but to all Magistrates constituted in the Regency, and consequently also to the "Juges de Paix"), as your note would appear to suggest. But Article II, paragraph 1, which provides that:—"Sauf cette dérogation au régime actuel (viz., the suspension of the Jurisdiction of Consular Tribunals in Tunis) il est expressément convenu que toutes les autres immunités, avantages, et garanties assurés par les capitulations, les usages, et les traités restent en vigueur."

In other words, it was necessary clearly to determine whether the intervention of Consuls in respect of taxes imposed on foreigners was dependent in Tunis upon a real general customary right, or whether we should be able to claim the advantages and guarantees which have been secured by custom, and which by the Protocol of the 25th January, 1884, are expressly maintained in force.

The existence of such a customary right having been established in a positive manner from recent information supplied by the Italian Agent at Tunis, I have instructed that gentleman to present a formal protest.

His action will be all the more effectual if it is supported by the Representatives of our Powers, among whom we should be happy to include the Representative of England.

I avail, &c.  
For the Minister,  
(Signed) A. DAMIANI.

No. 111.

Sir W. K. Green to the Marquis of Salisbury.—(Received February 21.)

(No. 19. Confidential.) Ext. 1,  
My Lord.

Tangier, February 12, 1888.

HAVING yesterday heard a rumour that Cid-el-Hadj Mohamed Torres, the Moorish Commissioner for Foreign Affairs, would leave today for Spain on the steamer "Castilla," in order to represent the Sultan at the coming Conference at Madrid, I thought it proper to let His Excellency know that I expected to be fully informed by a report to his departure, of the manner in which he had been directed by the Sultan to assume the position of Moorish Delegate at the Madrid Conference.

Cid-el-Hadj Mohamed Torres sent me a reply to the effect that he had absolutely no knowledge of the Sultan's intention to charge him with a Mission to Madrid or anywhere else, but if he should receive instructions to so go, I should certainly be fully informed of his Excellency's Mission before his departure from Tangier.

I therefore was surprised to receive a message this morning from the Commissioner for Foreign Affairs that he purposed calling on me this afternoon at 2 o'clock, prior to his starting on board the "Castilla" at 3 o'clock.

When Hadj Mohamed Torres paid me his promised visit I could not refrain from expressing to his Excellency my astonishment at the rather unceremonious manner in

which he was leaving me and my colleagues when he was proceeding to Madrid on State business which was not solely connected with Spain and Morocco, but equally affected the relations of this Empire with all Governments in intercourse with it.

Hereupon Hadj Mohamed Torres, to my surprise—I had just before received from his Excellency a Circular to the effect that he was leaving, but not specifying where for—explained that he was not going to Madrid, but to Rome, to convey to the Pope Mulai Hassan's congratulations on the occasion of His Holiness' Jubilee.

I repeatedly asked the Commissioner whether he was not, nevertheless, going to Madrid, and he as often declared that his instructions were merely to carry out the Mission to the Pope.

Hadj Mohamed Torres also asserted that he had no idea who had advised the Sultan to send his congratulations to the Pope.

I have since seen both Signor Maissa and Señor Diosdado. The former expressed to me the conviction that he would receive from Rome a severe reprimand for having failed to learn in due time the Sultan's intention of entering into relations with the Pope, and Señor Diosdado denied to me, as he had already done to Signor Maissa, all previous knowledge of the Mission of Hadj Mohamed Torres to Rome. The Spanish Minister, however, expressed surprise when I told him that the Moorish Commissioner had solemnly assured me that he had only become aware this morning of the charge with which he had been intrusted by the Sultan.

On Señor Diosdado stating to me that he had been kept in the dark as to the Sultan's intentions when application was made to him for a Spanish ship of war to convey a Shereefian Mission to Europe, I felt authorized to express to him my regret that the Sultan should have been counselled, apparently by some unknown person, to send a Mission to the Pope at a time when the Jubilee fêtes had terminated, and regardless of the fact that there is not a single Moorish Roman Catholic subject, or a particle of reason for an exchange of civilities between the Pope and the Sultan.

Señor Diosdado replied that Mulai Hassan had probably been moved to follow the examples of the Sultan of Turkey and the Shah of Persia, both of whom had sent special Missions in connection with the Pope's Jubilee.

I pointed out that both in Turkey and Persia the Pope exercised great influence over important sections of native populations, whilst here in Morocco there was a kind of Pope in the person of the Shereef of Wazan, to whom some foreign Government, desirous of marking its displeasure with the Sultan, might avail itself of the precedent now created to send a Mission of some kind.

I used this language to my Spanish colleague, as I felt the tardy despatch, under Spanish auspices, of a Moorish Mission in connection with the Pope's Jubilee was not calculated to add to or detract from His Holiness' greatness, and as I thought the empty satisfaction to the Spanish Government of appearing to have led the Sultan of Morocco to pay homage to the Pope would hardly outweigh the disadvantage to Mulai Hassan of finding himself in disaccord with the Italian Government, or of having added somewhat, in interested quarters, to the spiritual importance of the Shereef of Wazan.

Hadj Mohamed Torres is accompanied on his Mission by Cid Hamed Kordudi, one of the Sultan's Secretaries, Kaid Mohamed Abdessadek, son of the Basha of Tangier, and Padre Lerchundi, Head of the Franciscan Missions in Morocco.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 112.

Sir W. K. Green to the Marquis of Salisbury.—(Received February 21.)

(No. 20. Confidential.)

My Lord,

Tangier, February 14, 1888.

IN my despatch No. 19, Confidential, of the day before yesterday, I had the honour of reporting to your Lordship that Cid-el-Hadj Mohamed Torres had distinctly and repeatedly assured me that he was only intrusted with a Mission to the Pope, and had not been named Sultan's Delegate at the projected Conference at Madrid.

From letters which reached me yesterday from the Moorish Court at Mequinez I learn that Hadj Mohamed Torres has, notwithstanding, been selected by His Shereefian Majesty to represent him at Madrid.

I am at a loss to understand what object the Moorish Commissioner for Foreign Affairs can have had in view for concealing from me what his superior, the Minister for

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Foreign Affairs at Mequinez, has had no difficulty in imparting to me. Perhaps the Spanish Government is so desirous of controlling every detail connected with the expected Conference that Señor Diosdado has been directed to enjoin this, what appears to me needless, dissimulation on the part of Cid-el-Hadj Mohamed Torres

I have, &c.  
(Signed) W. KIRBY GREEN

No. 113.

*Mr. Harvie to the Marquis of Salisbury.—(Received February 22.)*

My Lord Marquis, *Leadenhall Buildings, London, February 21 1888.*  
I HAVE the honour to forward herewith six blank copies of a Memorial addressed to your Lordship, which is now in course of signature, in the hope that the suggestions therein contained may prove serviceable to Her Majesty's Government in connection with the approaching Conference at Madrid on the affairs of Morocco.

I have, &c.  
(Signed) WM. HARVIE

No. 114.

*The Marquis of Salisbury to Sir W. K. Green*

(No. 16.)

Sir, *Foreign Office, February 22 1888.*  
I HAVE received your despatch No. 13 of the 28th ultimo, inclosing a Memorandum regarding the protection of natives in Morocco, for submission to the Madrid Conference.

As, however, I am informed by the Spanish Ambassador at this Court that the French and Spanish Representatives at Tangier have been instructed by their respective Governments to prepare new and separate Reports in substitution for the joint one, I have excised from your Memorandum such passages as refer to Messrs. Ferns and Diosdado's original Report.

A copy of your Memorandum as amended is transmitted herewith

I am, &c.  
(Signed) SALISBURY.

No. 115.

*Foreign Office to Anglo-Jewish Association.*

Sir, *Foreign Office, February 22, 1888.*  
I AM directed by the Marquis of Salisbury to acknowledge the receipt of the letter of the 3rd instant signed by yourself for the Anglo-Jewish Association and by Mr. A. Cohen for the London Committee of Deputies of the British Jews, calling attention to the condition of the Jewish inhabitants of Morocco, and making suggestions in view of the approaching meeting of the Conference at Madrid on the affairs of Morocco, for an improvement of the status of the non-Mahomedan communities of the Empire.

I am to state to you, in reply, that the questions to which your letter relates would not come within the scope of the Conference. Lord Salisbury has, nevertheless, instructed Her Majesty's Minister at Tangier to furnish a Report upon them.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE.

No. 116.

*Foreign Office to Admiralty*

(Confidential.)

Sir, *Foreign Office, February 22, 1888.*  
WITH reference to your letter, marked Confidential, of the 11th instant, I am directed by the Marquis of Salisbury to acquaint you, for the information of the Lords

Commissioners of the Admiralty, that Her Majesty's Minister at Tangier reported, by telegraph, on the 19th instant, that it is impossible to fix the exact date of the arrival in that city of the Sultan of Morocco. The latest account from the Court, Sir W. K. Green states, is that His Sherrefian Majesty proposes to start about the middle of March, but nothing, he adds, can be relied upon until the Sultan is actually on the march.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE.

No. 117

*Sir W. K. Green to the Marquis of Salisbury.—(Received February 23.)*

(No. 22. Confidential.)

My Lord, *Tangier, February 16, 1888.*  
I HAVE the honour to report to your Lordship that Mr. Reed Lewis, the United States' Consul here, came and saw me on the day that Cid-el-Hadj Mohamed Torres was leaving for Rome, and informed me that he had recently addressed a note to his Excellency, calling upon him to cause the Basha of Tangier to apologise formally to him, Mr. Reed Lewis, for having ventured to present a complaint against him in a matter concerning solely the Moorish Government and the United States' Consulate through the Doyen to the Diplomatic Body.

Mr. Reed Lewis also said that he had further required the liberation from prison of a Moorish subject who had been appointed by him Arabic scribe of the Dar-el-Banda United States' Vice-Consulate and who had thereupon been arrested and imprisoned by the local authorities at Rabat on the plea that he could not become a protected American subject under Mr. Reed Lewis' appointment, as he was a party to a pending inheritance suit in the Rabat Kadi's Court. Mr. Reed Lewis considers that a suit of this nature does not preclude him, under the Convention of Madrid, from extending protection to a Moorish subject engaged in it.

In the note to Hadj Mohamed Torres, Mr. Reed Lewis stated that, if his demands were not accorded by Tuesday, the 14th instant, he would summon one of the United States' frigates attached to the European squadron to come to Tangier and support his demands on the Moorish Government. Mr. Reed Lewis wished to know from me whether through Cid-el-Hadj Mohamed Torres sudden departure for Rome His Excellency would be entitled to leave his note unanswered, or whether he should treat the Commissioner's *locum tenens* as responsible for a reply.

I told the United States' Consul that, without expressing any opinion on the questions existing between him and the Moorish Government, I would advise him to avail himself of Cid-el-Hadj Mohamed Torres' departure to open the lightened state of relations which he had created by his name to the Commissioner for Foreign Affairs. I thought he would be showing his desire to avoid a rupture with the Moorish Government by accepting Hadj Mohammed Torres' departure as an opening for submitting direct to the Sultan's Minister, for His Majesty's consideration, the misunderstandings which had arisen between himself and the Minister for Foreign Affairs.

Mr. Reed Lewis left me, saying that he would follow my advice. I therefore trust that the report which is current that an American frigate is expected here hourly is unfounded.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 118.

*The Marquis of Salisbury to Sir Clare Ford*

(No. 2.)

(Telegraphic.)

YOUR despatch No. 22

Her Majesty's Government accept Spanish offer, and will attach Arabic interpreter to your Excellency's Staff.

Do you see any objection to Sir W. K. Green recommending one of our Consular officers in Morocco for the post?

*The Marquis of Salisbury to Sir Clare Ford.*

(No. 31.)

Sir,

*Foreign Office, February 23, 1888.*

I HAVE received your Excellency's Confidential despatches No. 19 of the 12th and No. 24 of the 16th instant. The former reports a conversation which you had had on the evening previous with Señor Moret, the Spanish Secretary of State, in regard to the questions to be discussed at the Conference on the affairs of Morocco. Her Majesty's Government concur with his Excellency as to the inexpediency of broaching the question of an Agreement by the Powers represented at the Conference to guarantee the political and territorial integrity of the Moorish Empire. The objections entertained by Her Majesty's Government to that proposal of the Moorish Government are recorded, as your Excellency is aware, in my letter to Señor del Mazo of the 14th October last. At the same time I should observe that when Her Majesty's Government accepted the invitation to a Conference to consider the request of the Moorish Government for a revision of the Madrid Convention of 1880 it was on the understanding, as stated in my telegram to you, No. 19 of the 28th October last, that the questions to be submitted to it should not be confined to protection alone, but that those of commercial concessions and the integrity of the Moorish Empire would be raised in the Conference.

In view, therefore, of the opening which it is conceivable that changes in the existing law as to protection might give for action inconsistent with the independence of Morocco, Her Majesty's Government would not be disposed to agree to any such changes without some statement being made by the Powers who signed those arrangements renouncing on their parts all encroachments on Moorish territory or jurisdiction.

I have to request your Excellency to hold language to Señor Moret in the above sense.

I am, &c.  
(Signed) SALISBURY.

No. 120

*The Marquis of Salisbury to Sir Clare Ford*

(No. 32. Ext. 2.)

Sir,

*Foreign Office, February 23, 1888.*

I HAVE received your despatch No. 23 of the 16th instant, and I have to state to you that Her Majesty's Government accept the offer made to them by the Spanish Government, and will attach an Arabic Interpreter to your Excellency's staff for service at the Madrid Conference.

I should be glad to be informed whether your Excellency is aware of any objection to Her Majesty's Minister at Tangier recommending for the appointment one of the British Consular Officers in Morocco.

The substance of the foregoing has this day been communicated to you by telegraph.

I am, &c.  
(Signed) SALISBURY.

No. 121

*Foreign Office to Admiralty*

Sir,

*Foreign Office, February 23, 1888.*

WITH reference to your letter of the 3rd ultimo,\* a copy of which was communicated to Her Majesty's Ambassador at Madrid, together with previous correspondence, in regard to the Island of Peregr. I am directed by the Marquis of Salisbury to transmit to you the accompanying copy of a despatch which has been received from his Excellency upon the subject,† and to request that in laying this letter before the Lords Commissioners of the Admiralty you will move their Lordships to revise the new edition of the "Mediterranean Pilot," as suggested by Sir C. Ford.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE.

*The Marquis of Salisbury to Sir W. K. Green*

(No. 18.)

Sir,

*Foreign Office, February 23, 1888.*

I TRANSMIT to you, for your information, the accompanying copy of a communication from the Presidents of the London Committee of Deputies of the British Jews and of the Anglo-Jewish Association,\* calling attention to the condition of the Jewish inhabitants of Morocco, and making suggestions in view of the approaching meeting of the Conference at Madrid on the affairs of Morocco, for an improvement of the status of the non Mahomedan communities of the Empire.

I have to observe that the questions treated of would not come within the scope of the Conference. At the same time, I shall be glad if you will furnish me with a Report upon them.

I am, &c.  
(Signed) SALISBURY.

No. 123.

*The Marquis of Salisbury to Sir E. Mallet.*

(No. 60.)

Sir,

*Foreign Office, February 24, 1888.*

PRINCE RATIBOR called at the Foreign Office to-day, on behalf of Count von Hatzfeldt, to state that his Government had received a despatch from the German Ambassador at Madrid to the effect that Señor Moret now represented the introduction at the approaching Conference of the subject of the integrity of Morocco, and suggests that as France will certainly decline any discussion on that subject, the other Powers might, after the Conference, come to some agreement on the subject.

The German Government, Prince Ratibor said, are surprised at this change of front, and do not understand the proposal of discussion, apart from France, after the Conference.

They have requested their Ambassador to send them further information and explanations on the subject.

I am, &c.  
(Signed) SALISBURY.

No. 124

*Sir W. K. Green to the Marquis of Salisbury.—(Received February 25.)*

(No. 23.)

My Lord,

*Tangier, February 17, 1888.*

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 11 of the 6th instant in regard to the cases of Messrs Shuttleworth and Co. versus Solomon Pariente, and to state that I will not fail to call upon C. d-el Hadj Mohammed Torres to expedite his decision in the matter as soon as his Excellency returns from the Embassy on which he is at present engaged to the Pope at Rome.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 125.

*Anglo-Jewish Association to the Marquis of Salisbury.—(Received February 25.)*

My Lord

*100, Sutherland Avenue, London, February 23, 1888.*

I AM directed to express to your Lordship the thanks due for the kind consideration given to the Memorial signed by Sir John Simon, M.P., one of the Vice-Presidents of the Anglo-Jewish Association, and by Mr. Arthur Cohen, Q.C., President of the London Committee of Deputies of the British Jews, with reference to the terrible disabilities to which the Moroccan Jews are exposed.

Your Lordship's letter of the 22nd instant shall be duly attended to by the Conjoint Committee of Delegates of the Anglo-Jewish Association and the Board of Deputies.

I have, &c.  
(Signed) A. LOWY, Secretary.

No. 126.

*The Marquis of Salisbury to Sir W. K. Green.\**

(No. 19)

Sir,

I TRANSMIT herewith to you, for your information, copy of a letter that has been received from Mr. Donald Marks forwarding copies of his Report on the condition of the Moorish Empire, in connection with the approaching Conference at Madrid. A copy of the reply that has been returned to Mr. Marks is likewise enclosed;

I am, &c.  
(Signed) SALISBURY

No. 127

*The Marquis of Salisbury to Sir W. K. Green*

(No. 20. Confidential)

Sir,

I HAVE received your despatch No. 22, Confidential, of the 15th instant, and I have to convey to you my approval of the advice that you tendered to the United States' Consul at Tangier, as reported therein, in regard to the further differences which have arisen between himself and the Moorish Government.

I am, &c.  
(Signed) SALISBURY

No. 127\*

*The Marquis of Salisbury to Mr J. G. Kennedy*

(No. 47)

Sir,

WITH reference to my despatch No. 16 of the 30th ultimo, I transmit to you the accompanying copy of a further despatch from Her Majesty's Consul in Tunis, enclosing copy of a Tunisian Decree, dated the 6th June, 1882, in regard to the assessment of the house tax.

I have to observe that by Article II of the Convention between this country and Tunis of the 10th October, 1863, it is provided that British subjects possessing immovable property in Tunis shall pay the same municipal and fiscal taxes as are paid by natives, and shall discharge in general the obligations which are by law attached to and discharged by such property held by natives. By Article III it is also provided that every proprietor of houses, magazines, or other tenements shall conform to the Municipal regulations then existing, or to those which shall hereafter exist. It is further provided that in all cases of litigation respecting immovable property, and relating to the ownership or occupation of houses or lands, between a British and a Tunisian subject the case shall be referred for a final decision to the competent legal Tribunals, whose summons for the appearance of the British subject shall be transmitted through the British Consul-General, or, in his absence, through his deputy, in order that he or his deputy may be present at the trial.

Further, that the condemned party shall have the right to appeal to the Court-constituted for that purpose, until the appeal shall have reached the *Megaz Elakhar* (the Native Assembly) and that whatever decision may be given by the last Tribunal the authority of the condemned party shall carry it out. But this could scarcely be said to apply to the imposition of taxes.

Article XVII then declares that British subjects holding immovable property in the

\* Also to Sir Clare Ford  
† No. 2.

‡ No. 70

§ No. 52

Regency of Tunis shall, in conforming to the local laws and regulations, receive and enjoy the same immunities, privileges, and rights that are accorded to Tunisian proprietors.

This Convention was confirmed by Articles V and XVII of the Convention of the 19th July, 1875.

It will be seen, therefore, that the Tunisian Decree of the 6th June, 1882, is of a retrograde character, but, as its provisions apply to natives and to foreigners alike who may be owners of real property, it can scarcely be said to be opposed to actual Treaty stipulations.

With reference to your despatch No. 31 of the 16th instant, I have to call your attention to the fact that the Italian Government appears to attach more importance to the custom which has been observed with regard to the taxation of house property than to Treaty stipulation. But it would appear from the Tunisian Decree of the 11th July, 1887, that British, Italian, and French subjects hold real property under the same conditions, one of those conditions being that such property should be held subject to Municipal Regulations of the Tunisian Government; and, as it moreover appears from Consul Sandwith's despatch No. 3, Commercial, of the 9th instant, copy of which is enclosed, that it is in contemplation to make some change in existing Regulations regarding the holding by foreigners of real property in Tunis, Her Majesty's Government consider that it would be premature in present circumstances to join in the protest made by the Italian Government against the Decree.

I am, &c.  
(Signed) SALISBURY.

No. 128

*The Marquis of Salisbury to Sir Clare Ford*

(No. 30.)

Sir,

I TRANSMIT to your Excellency herewith, to be laid before the Conference when it assembles, the accompanying copies of a Memorandum on the protection of natives in Morocco,\* which has been prepared for submission to it by Her Majesty's Minister at Tangier. Pending further instructions, your Excellency will not communicate the enclosed Memorandum to the Spanish Government.

I am, &c.  
(Signed) SALISBURY.

No. 129.

*The Marquis of Salisbury to Sir E. Malet †*

(No. 59.)

Sir,

I TRANSMIT to your Excellency herewith (for your information only) the accompanying copies of a Memorandum on the protection of natives in Morocco,\* which has been prepared for submission to the Madrid Conference by Her Majesty's Minister at Tangier.

I am, &c.  
(Signed) SALISBURY.

No. 130

*Consul Sandwith to the Marquis of Salisbury.—(Received February 17)*

(No. 4.)

My Lord,

BY my despatch No. 10, of the 19th September last, I had the honour to ask instructions as to the granting of British passports to members of the Ben Ayad family, pointing out that one had been granted by my predecessor in 1885 to a brother of General Hamida Ben Ayad, whose son, his father having died, had applied for another passport.

\* No. 76.

† Also to Mr. J. G. Kennedy

Sir Julian Pauncefote, in his despatch No. 2 of the 6th October, states: "General Ben Ayad's nephew consequently is not, and never has been, entitled to a British passport, but only to a certificate that he is under British protection. If, therefore, he makes application for the latter, you should report it, but you will, in the meantime, refuse to issue a passport to him."

The nephew in question, Mohamed Ben Ayad having again presented himself for a passport, which I have refused to issue to him, he states that he will be satisfied with a certificate to the effect that he is under British protection. I, therefore in accordance with the above instruction, report the circumstance to your Lordship, and await a reply before granting a certificate.

I beg to remind your Lordship that General Hamida Ben Ayad himself and the members of his family have petitioned to be admitted to the right of French citizenship, as reported in my despatch No. 15 of the 2nd December.

I have, &c.  
(Signed) THOMAS B. SANDWICH.

## No. 131.

Consul-General Sir R. Playfair to the Marquis of Salisbury.—(Received February 27.)

(No. 1.)

My Lord,

Algiers, February 22, 1888.

IN forwarding the inclosed despatch from Consul Sandwich\* I trust I may be permitted to express my opinion that, as the head of the Ben Ayad family has applied for French naturalization, and considering the entirely altered condition of things at the present day, it would be both inconvenient and unnecessary to give the certificate of English protection to General Ben Ayad's nephew.

I have, &c.  
(Signed) R. LAMBERT PLAYFAIR.

## No. 132.

Mr. Cohen to Baron Worms.—(Communicated by Baron Worms to the Marquis of Salisbury, February 27.)

(Telegraphic.)

Tangier, February 25, 1888.

YESTERDAY forenoon Spaniards forcibly entered house of widow Attias, a British subject; ill-used mistress and children. A lad of 15, intrusted by his relatives in Gibraltar to widow Attias eight years ago, forcibly carried off, cruelly beaten, subsequently baptized privately Franciscans. Great responsibility weighs upon British Consul, who was previously informed of threatened attack upon house, and subsequently of attempted violence days before but refused giving Attias effective protection, or seeing her and ward embarked Gibraltar unmolested; even now guilty parties not interfered with. British Consul indifferent. British Minister hunting as usual. Unless energetic action be taken by Foreign and Colonial Ministers urging restitution of sequestered lad and reparation, similar outrages likely become too frequent. British residents considerably outnumbered by Spaniards of worst types. British officials too lukewarm.

## No. 133.

Foreign Office to Sir R. Fowler, M.P.

Sir,

Foreign Office, February 27, 1888.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of the Resolution passed at a Conference at Spencer House in support of a suggestion made by the Aborigines Protection Society that a joint or collective Consular Tribunal should be established in Morocco. I am to state, in reply, that the question is under the careful consideration of Her Majesty's Government.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE.

## No. 134.

Sir J. Simon, M.P., to Foreign Office.—(Received February 28.)

36, Tavistock Square, February 28, 1888.

Sir, I BEG to inclose, for your perusal, two cuttings from the "Times" of yesterday and to-day, giving an account of an "Outrage on a British subject in Morocco;" and I beg to call your attention specially to the statement in the account of yesterday, that the British Consul had been previously informed of the threatened [attack] upon the house."

I am sorry that I am not able to give you a longer notice, but as the matter is urgent, I hope that it will not be inconvenient to you if I put a question in the House to-day, namely, whether you have seen the account in the "Times" of yesterday and to-day, whether any official notice has reached the Foreign Office on the subject, and whether any steps will be taken by Her Majesty's Government to obtain restitution of the boy, and redress for the outrage.

Her Majesty's Government have been always prompt, and shown a generous desire to protect, as far as they can, the unfortunate Jews in Morocco. I can only repeat my apology for so short a notice.

I am, &c.  
(Signed) JNO. SIMON

## Inclosure in No. 134.

Extracts from the "Times" of February 27 and 28, 1888.

THE OUTRAGE ON A BRITISH SUBJECT IN MOROCCO.—A correspondent sends us the following particulars respecting the outrage in Morocco, which was recorded in the "Times" of yesterday.

Details have reached London of the alleged outrage on a British subject in Morocco, from which it appears that the case is somewhat complicated. The boy who has been seized by the Spaniards and forcibly baptized is the illegitimate son of a Jewish father, formerly resident at Gibraltar, and of a Spanish Catholic mother. The father adopted him, and had him duly initiated into the Jewish faith, and when he died the child was taken charge of by a paternal uncle, who continued to bring him up as a Jew. Eight years ago this uncle died and the boy was transferred to the care of his aunt, his father's sister, a certain widow Attias, living as a British subject at Tangier. It is the domicile of this lady which has been invaded, and from which the child has been carried off at the instance of the mother.

OUTRAGE ON A BRITISH SUBJECT IN MOROCCO. The following telegram was received in London yesterday from a resident in Morocco:—

"Tangier, February 25.

"Yesterday forenoon some Spaniards forcibly entered the house of widow Attias, a British subject, and ill-used the mistress of the house and her children. A lad of 15, intrusted by his relatives in Gibraltar to the widow Attias eight years ago, was forcibly carried off, cruelly beaten, and subsequently baptized privately by Franciscans. The British Consul had been previously informed of the threatened attack upon the house. The guilty parties have not been interfered with. Unless energetic action be taken by the Foreign and Colonial Ministers, urging restitution of the lad and reparation, similar outrages are likely to become too frequent. The British residents are considerably outnumbered by Spaniards of the worst types."

## No. 135.

Question asked in the House of Commons, February 28, 1888, and Answer.

Sir J. Simon asked the Under-Secretary for Foreign Affairs, whether he had seen the telegrams in the "Times" of yesterday and to-day, reporting an outrage upon a British subject in Morocco, according to which the house of a Jewish woman—a widow



and a British subject residing in Tangier—had been entered, herself and children ill-treated, and a boy of 15, the natural son of a brother, residing with her, forcibly taken away and baptized. He would ask the honourable gentleman whether he would carefully inquire into the statement that the British Consul had notice of the threatened outbreak, but took no steps to prevent it. He would further ask him whether the Government would take steps to inquire into the whole matter, and endeavour to obtain restitution of the boy and reparation for the outrage. He should also like to know whether there was any foundation for the statement that such outrages seemed likely to be of frequent occurrence.

*Sir James Fergusson.*—The attention of Lord Salisbury has been called to the case of the widow Attias. Her Majesty's Minister in Morocco has been instructed by telegraph to report upon the case, and to telegraph what action he has taken. I have no reason to believe that Sir William Kirby Green is backward in protecting British subjects.

No. 136.

*The Marquis of Salisbury to Sir W. Green*

(No. 5)

(Telegraphic)

WIDOW ATTIAS.

Report on case, and telegraph whether you have taken any action

Foreign Office, February 29, 1888

No. 137

*The Marquis of Salisbury to Sir W. K. Green.*

(No. 2) Ex. 5.

Sir,

Foreign Office, February 28, 1888.

I TRANSMIT to you, for your information, the accompanying copy of a telegram which has been communicated to me by Baron de Worms, to whom it is addressed by Mr. Cohen, of the "Reveil" of Tangier, in regard to the case of the widow Attias.

I have to request you to furnish me with a report upon the case, and to inform me by telegraph whether you have taken any action in the matter.

The substance of the foregoing has this day been communicated to you by telegraph.

I am, &c.  
(Signed) SALISBURY

No. 138

*Sir W. K. Green to the Marquis of Salisbury.—(Received February 29, 7 P.M.)*

(No. 3.)

(Telegraphic)

YOUR telegram of to-day.

Tangier, February 28, 1888, 5-40 P.M.

Her Majesty's Consul is endeavouring to obtain redress for violation of British domicile from Spanish Consul.

No. 139.

*Foreign Office to Mr. W. Harve.*

Sir,

Foreign Office, February 28, 1888.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 21st instant, inclosing blank copies of a Memorial addressed to his Lordship which is now in course of signature, making suggestions in connection with the matter to be discussed at the approaching Conference at Madrid on the affairs of Morocco.

\* No. 13.

I am to state to you, in reply, that the major part of the suggestions contained in the Memorial have reference to matters not within the scope of the Conference, but they will be borne in mind, and the Memorial will be communicated to Her Majesty's Representatives at Madrid and Tangier.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE.

No. 140.

*Sir W. K. Green to the Marquis of Salisbury.—(Received February 29.)*

(No. 24. Confidential)

My Lord,

Tangier, February 18, 1888.

WITH reference to my despatch No. 22, Confidential, of the 15th instant, I have the honour to report to your Lordship that Mr. Reed Lewis, the United States Consul, called on me this morning and informed me that he had unfortunately been prevented from acting on my advice, as, after drafting a note to the Acting Commissioner for Foreign Affairs in the sense indicated by me, he had, before dispatching it, received from Cid Moham. I Zary a reply to the note which had been addressed to Cid el Hadj Mohamed Torres.

By this reply the Acting Moorish Commissioner stated to Mr. Reed Lewis that the Bash of Tangier could not be called upon to apologize to him for having complained against him to the Diplomatic Body, as no offence had been meant by the act, and that, as for the Moor detained in prison at Rabat, Mr. Reed Lewis might do what he pleased, for the Moorish Government would not liberate a man whom it considered wrongfully claimed as a United States' protégé.

Under these circumstances, Mr. Reed Lewis had considered himself obliged to seek at once the support of Admiral Greer, who had informed him that the United States' frigates "Enterprise" and "Lancaster" would shortly be at his disposal, the first in Tangier Bay and the second at Gibraltar, to be ready there to cross over in case of need.

Mr. Reed Lewis further told me that he already held the authority of the United States' Government, if he failed to obtain reparation from the Moorish Government, to break off relations with it and leave the country. The Consul stated that he was authorized to proceed to Rabat with the "Enterprise" and a party from the vessel, and obtain forcibly the release of the Moorish prisoner.

Mr. Reed Lewis agreed with me that this would be a very serious proceeding, and said he would certainly do nothing of the kind.

I again urged upon him the exercise of prudence and discretion, expressing the opinion that if proper time was allowed, the satisfaction of His Majesty's dignity was not altogether disregarded, he would gladly avail himself of the first means that might offer for coming to an understanding with Mr. Reed Lewis.

The Consul hoped that this might be the case, and promised that he would bear in mind my recommendations throughout the proceedings that were about to arise, but he regretted to have to say that he was sure conciliation on his part would be of little use, for he had reason to know that the Moorish Government was blindly following the advice of the Spanish Minister, who seemed anxious to push matters to extremities between the United States and Morocco.

I am, &c.  
(Signed) W. KIRBY GREEN

No. 141

*Sir Clerk Ford to the Marquis of Salisbury.—(Received February 29.)*

(No. 30.)

My Lord,

Madrid, February 24, 1888.

WITH reference to your Lordship's telegram in cypher of yesterday's date, I have the honour to inform your Lordship that I have learnt with great satisfaction that Her Majesty's Government see no objection to attaching to the staff of Her Majesty's Embassy here an Arabic interpreter during the sittings of the Conference which it is proposed to hold on Morocco affairs.

I consider that any gentleman belonging to Her Majesty's Consular Service in Morocco to be recommended by Sir Kirby Green would be well fitted to occupy the post.

I have, &c.  
(Signed) FRANCIS CLARE FORD.

No. 142

Sir Clare Ford to the Marquis of Salisbury.—(Received February 29.)

(No. 51. Confidential.)

My Lord,

Madrid, February 26, 1888.

I HAVE the honour to inform your Lordship that M. Cambon, the French Ambassador, came to see me the other day, and spoke on the subject of the proposed Conference to be held at Madrid.

M. Cambon appeared to me to entertain great suspicion of the Moorish Government, and to believe that they would never rest content until they had obtained a total abolition of the system of protection of natives.

M. Cambon particularly alluded to the first two paragraphs of the note addressed to the Spanish Minister at Tangier by Mohamed Garnet on the 17th August, 1887, to which allusion is made in the Circular despatch which was addressed by the Spanish Government on the 1st December last to foreign Governments, inviting them to send Delegates to the Conference to be convened at Madrid.

These paragraphs, said M. Cambon, justified his surmise, for in them it was clearly indicated that the Moorish Government considered the system of protection as opposed to international right and contrary to the dictates of justice, and that if it were not to be suppressed Morocco would shut its doors to the outer world, and refuse to hold commercial relations with it.

M. Cambon then entered into a criticism of the modifications which had been suggested by MM. Féraud and Dineado to the articles which had been agreed on at the Madrid Convention of 1880. In his opinion, he said, the suggested modifications to Articles I and XV were ridiculous. By the former, it was recommended that the persons protected were to be made amenable to Moorish laws. What good then, he asked, would there be in protection? As to the recommendations suggested to Article XV, he would never agree to the naturalization papers not being respected in Morocco, or to seeing the system suppressed, but he was quite prepared to state that a strict surveillance should be exercised over them.

On my inquiring of him how he contemplated dealing with the question of wholesale protection such as that I believed was granted by Franco to the Sherif of Wazan and his tribe, he replied that he had never given the subject his consideration.

M. Cambon then said with regard to the question of commerce, that, in his opinion, it ought to be treated last, and that it would be sufficient to inform the Moorish Delegate that the foreign Representatives interested in the question of commerce would make the signing on their part of the new Convention which would be concluded contingent on his giving a promise that the Moorish Government would reply in favourable terms to the identical letter\* which had been addressed to Vizier Garnet on the 5th April, 1886, by the French, German, and British Plenipotentiaries at Tangier.

M. Cambon then spoke on the subject of a Turkish Delegate having been invited to assist at the Conference. He said that he had spoken to Señor Moret respecting it, and had inquired of him how it had come to pass that one had now been invited which had not been the case in 1880. The reply he had received from Señor Moret had been that Turkey had been invited to be represented at the 1880 Conference, but that owing to the fact of there having been no Turkish Representative at the Court of Madrid at the time, no Turkish Delegate had sat at the Conference.

M. Cambon said to me that he thought the presence of a Turkish Delegate would be most objectionable, and that such a personage would be quite out of place in a Conference at which the Representatives of Christian Powers were about to be engaged in discussing the affairs of a Mussulman State.

\* Vide Confidential Print, July 1886 (Commercial Negotiations between Great Britain and Morocco, p. 39).  
† See Part XV, No. 396.

I may mention to your Lordship, in connection with this latter subject, that I saw Señor Moret yesterday, and I told him what M. Cambon had said to me regarding it. Señor Moret informed me that on a previous occasion he had assured M. Cambon that, if the French Government raised objections to a Turkish Delegate being present, means would be found that he should not appear.

"I had heard nothing," continued Señor Moret, "on the subject from any of the Powers, and for my part, I do not see what inconvenience could arise by a Turk being present at the meeting."

I formed the impression, however, from what escaped Señor Moret's lips, that the invitation in the first instance to Turkey to send a Representative to the Conference had been the result of a mistake on the part of the officials at the Ministry of State, who had erroneously believed a similar invitation had been issued in 1880.

I have, &c.  
(Signed) FRANCIS CLARE FORD.

No. 143.

Admiralty to Foreign Office.—(Received February 29.)

(Confidential.)

Admiralty, February 28, 1888.

Sir, WITH reference to your letter of the 22nd instant, stating that it is impossible to fix the exact date of the arrival of the Sultan of Morocco at Tangier, I am commanded by my Lords Commissioners of the Admiralty to request that you will state to the Marquis of Salisbury that in the circumstances mentioned in your letter of the 22nd February it will not be possible to detain the Channel Squadron at Gibraltar, as it is necessary that the ships should be at their several home ports by the 10th April.

I am, &c.  
(Signed) EVAN MACGREGOR.

No. 144.

Memorandum for communication to M. d'Antas.

HER Majesty's Government were invited by the Spanish Government to take part in a Conference at Madrid to consider the request preferred by the Moorish Government in their note of the 17th August last for a modification of the Convention of 1880.

It was deemed advisable for the success of the Conference that the Representatives at Tangier of the Powers invited should draw up a preliminary Memorandum showing the extent to which the right of protection has obtained, and to what abuses it has given rise, what limits might be assigned to it, or what system might take its place.

Her Majesty's Government accepted these proposals,† and instructed their Representative at Tangier to furnish the Report suggested.

Her Majesty's Government have no reason to doubt the sincerity of the repeated assurances of the Spanish Government, that they seek no special advantages in Morocco, and desire the maintenance of the *status quo*.

The invitation of Spain to the Powers to join in the proposed Conference makes no mention of the maintenance of the *status quo*; but that question is one closely connected with the question of the protection of natives, and Her Majesty's Government will be prepared, if necessary, to oppose the views recently expressed by the Spanish Government in favour of the maintenance of the integrity of Morocco.

As regards the remedy for the abuses in the system of protection, Her Majesty's Government are considering the Report of the British Representative at Tangier, and are not yet in a position to express an opinion.

Foreign Office, February 29, 1888.

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*Memorandum for confidential communication to Señor del Mazo.*

BY Article II of the Convention between Great Britain and Tunis of the 10th October, 1863, it is provided that British subjects possessing immovable property in Tunis shall pay the same municipal and fiscal taxes as are paid by natives, and shall discharge in general the obligations which are by law attached to, and are discharged by, the like property held by natives. By Article III it is also provided that every proprietor of houses, magazines, or other tenements shall conform to the Municipal Regulations then existing, or to those which shall hereafter exist. It is further provided that in all cases of litigation respecting immovable property, and relating to the ownership or occupation of houses or lands, between a British and a Tunisian subject, the case shall be referred for adjudication to the competent legal Tribunals, whose summons for the appearance of the British subject shall be transmitted through the British Consul-General, or, in his absence, through his Deputy, in order that he or his Deputy may be present at the trial. Further, that the condemned party shall have the right to appeal to the Courts constituted for that purpose, until the Appeal shall have reached the "Majlis Elakbar" (Legislative Assembly), and that, whatever decision may be given by the last Tribunal, the authority of the condemned party shall carry it out. But this could scarcely be said to apply to the imposition of taxes. Article XVII then declares that British subjects holding immovable property in the Regency of Tunis shall conform to the local laws and regulations receive and enjoy the same immunities, privileges, and rights that are accorded to Tunisian proprietors.

This Convention was confirmed by Articles V and XVII of the Convention of the 10th July, 1876.

It will be seen, therefore, that the Tunisian Decree of the 6th June, 1882, is of a retrograde character; but, as its provisions apply to natives and to foreigners alike who may be owners of real property it can scarcely be said to be opposed to actual Treaty stipulations. But the Italian Government, who appear to attach more importance to the custom which has been observed with regard to the taxation of house property than to Treaty stipulations, have, as has been reported by Her Majesty's Chargé d'Affaires at Rome, instructed their Agent at Tunis to protest formally against the Decree of the 6th November, 1887, as contrary to the first paragraph of Article II of the Protocol between Italy and France of the 25th January 1884. The Tunisian Decree of the 11th July, 1887, however, makes the conditions on which British, Italian, and French subjects hold real property the same, and one of those conditions is that such property should be held subject to Municipal Regulations of the Tunisian Government. As, moreover, it appears from a Report received from Her Majesty's Consul at Tunis that it is in contemplation to make some change in existing Regulations regarding the holding by foreigners of real property in Tunis, Her Majesty's Government consider that it would be premature in present circumstances to join in the protest made by the Italian Government against the Decree.

Copies of the Conventions referred to above between Great Britain and Tunis, of the 10th October, 1863, and the 19th July, 1876, are annexed.  
*Foreign Office, March 3, 1888.*

*The Marquis of Salisbury to Sir Clare Ford.*

(No. 40.)

Sir,

*Foreign Office, March 3, 1888.*

WITH reference to the document communicated by the Spanish Ambassador at this Court on the 20th January last relating to the "Carroba" tax in Tunis, I transmit to your Excellency herewith, for your information, copy of the reply that has been returned to his Excellency on the matter:

I am, &c.  
(Signed) SALISBURY.

*Draft Instructions for the Delegate at the Conference of Madrid.—(Communicated by M. Catalani, March 3, 1888.)*

## Morocco.

## I.

## (Translation.)

1. AT the end of 1885 negotiations were carried on between the Sultan's Delegates and the Ministers of France, Germany, and Great Britain with reference to proposed new Commercial Treaties. The European Plenipotentiaries chiefly aimed at obtaining a complete change in the system founded on the Anglo-Moorish Convention of the 11th December, 1856, and the Convention between Spain and Morocco of the 20th November, 1861, by which the external relations of Morocco in custom-house matters were guided. With regard to these three points, i.e., they desired to obtain a reduction of the existing 10 per cent. *ad valorem* duty on imports; a reduction of the very high specific duties on exports; the renunciation, or at least the modification, of the power which the Sultan reserved to himself of forbidding at his discretion the export of certain goods.

The granting of these three demands (and the matter is perfectly clear to all who know the present state of Morocco) would have brought about a complete economical revolution in the Empire. The three negotiators did not conceal from themselves the difficulty they would have in securing their acceptance by the Sherrefian Government. In February 1886 the Italian Minister, M. Scovasso, on returning to his post from leave of absence, learnt from his colleagues the details of the negotiations and the obstacles they had encountered, and he resolved to use his influence in favour of the proposed changes at his interview with the Sultan. In view of the fact that the chief ground of the Sultan's resistance was his fear that it might prove fatal to his Empire to open it entirely to foreign commerce, while the abuses existing in the matter of protection created all kinds of difficulties and hindrances to the exercise of territorial sovereignty, it was a happy thought of M. Scovasso, after consulting with his colleagues, to offer to the Sultan, as a compensation or as a proof of sincerity, such a revision of the Madrid Convention of 1880, which at present regulates protection, as would prevent any possible abuse in the matter.

The steps taken by the Italian Minister at the Sherrefian Court resulted in a note from the Grand Vizier Garni, dated the 8th April, 1886, in which the Sultan accepted the demands in principle (except that relating to the reduction of export duties), but only as a three years' experiment, and on the express condition that steps should first of all be taken to remove the abuses in the matter of protection.

The same views were, in substance, repeated in a note from the Grand Vizier to the French Minister (who had afterwards likewise approached the Sultan), dated the 27th December, 1886. In this remarkable document the Sultan shields himself behind the phrase expressed "by all the Notables and Heads of tribes in the country"—a *plébiscite*, as it were—in order to lay still more stress than in the note of the 5th April on the restrictions and conditions to be imposed on the granting of the commercial Concessions demanded from him. Amongst these conditions, that which relates to the revision of the Madrid Convention is thus expressed:

"The trial" (i.e., the three years' trial of the new Tariff) "cannot take place till the Madrid Convention has been modified as follows:—

"(a.) The abolition of the protected brokers or commercial agents.

"(b.) The subjects of Morocco not to be allowed to obtain foreign naturalization without the previous consent of the Government of Morocco.

"(c.) The strict observance of the provisions of the Treaty in force with respect to the annual presentation of the list of protected persons to the Sherrefian Government."

This is twice repeated in the Grand Vizier Garni's note, and he adds that "the conclusion of the Commercial Treaty must be delayed until the Madrid Convention has been modified in the above sense."

2. The commercial negotiations had reached this point when, in February 1887, other matters began to attract attention. There were rumours of the French Minister having obtained important concessions of territory in the south-east of the Empire. The matter was never satisfactorily cleared up. According to the Reports of the Italian Minister at Tangier, the Grand Vizier, in reply to a question put to him by the British

Minister, categorically denied that the Sultan had consented to cede a broad strip of land (between Magura and Ain Sciair), as had been asserted; he admitted, however, that at another part of the frontier a rectification had been granted (the Grand Vizier said it was merely a question of determining the boundary), in consequence of which the French were now entitled to occupy Genan-Borzig, a place which was considered of great strategical importance.\*

This news caused some anxiety to the Powers desirous of upholding the *status quo* in Morocco, i.e., Italy, Great Britain, and Spain. Their Representatives, in consequence of instructions from their respective Governments, addressed to the Grand Vizier a collective note, dated the 11th March, 1887, in which, after stating that "the maintenance of the independence and the territorial integrity of the Moorish Empire is the subject of the lively solicitude of the three Powers," they invited the Sultan to "formally engage henceforth not to consent to any cession of territory, or to any territorial Agreement, without having previously consulted the three friendly Governments."†

The Grand Vizier Garrit replied to the collective note of the 11th March in a note dated the 13th August, 1887, and addressed to each of the three Representatives separately. This note began with declarations of gratitude and friendship, and the Grand Vizier did not even allude to the engagement which the Sultan had been asked to enter into not to consent to any territorial Agreement without previously consulting with the three Powers; the Sultan, on the contrary, himself requested the three Powers to guarantee the integrity and neutrality of his Empire by a diplomatic Act.

"It would be the wish of His Majesty" (thus the note runs) "that, before all, your powerful nation should negotiate with the other Great Powers having political and commercial relations with Morocco, in order that they may enter into an engagement to preserve and guarantee the peace, tranquillity, and territorial integrity of Morocco; that this country may by all be respected, guaranteed, and considered as a neutral country, which shall continue on terms of friendship with all the Powers, abstain from any conflict with them, and be inviolable for all time. No one shall injure it, and it must not injure any one; it shall be guaranteed and secured in accordance with that international law which binds the nations together. And this will have to be recorded in a document bearing the signatures and seals of the Governments, as is usual in matters of such importance."‡

In view of the decided initiative taken by the Sherrefian Government, the Powers chiefly interested in Morocco had to consider what was the best course for them to adopt.

At a first interview on the subject with the authorities of the British Foreign Office the Italian Chargé d'Affaires in London carried away the impression that the British Cabinet were not at all disposed to accept the proposal to declare Morocco neutral. If neutrality (thus reasoned the Under-Secretary of State in conversing on this subject with M. Catalani) confers rights, it also imposes important obligations. Morocco is too weak to resist the influence of certain Powers and to make its neutrality respected. Sir Julian Pauncefote therefore did not see any way but the following to secure the independence and integrity of Morocco, i.e., the signature by all the Powers of a Self-denying Protocol, with the signature on the part of the Sultan of an Agreement binding himself not to cede any portion of his territory without the consent of the three Powers. A note of Lord Salisbury's addressed to the Italian Chargé d'Affaires, dated the 4th October, 1887, and communicated to the Representatives of Germany and Spain, puts these views into an official form.

"It would be imprudent," says Lord Salisbury, "to guarantee the neutrality of a country of which the institutions did not furnish some security that it is unlikely to take any course which would invite or justify hostile action on the part of other Powers. . . . Before his proposal for a guarantee of the neutrality and integrity of his Empire could be entertained, His Sherrefian Majesty should indicate what reforms in his Administration are contemplated and likely to be carried out. . . . Had His Majesty's proposal been to the effect that he would undertake to make no further cession of territory without the consent of the Great Powers, provided the latter entered into a Self-denying Agreement, such a proposal in the view of Her Majesty's Government, would not have been open to objection on these grounds."§

The Spanish Cabinet early showed their unwillingness to accept the proposal contained in the Sherrefian note of the 13th August, 1887. A Report of the Italian Chargé d'Affaires at Madrid, dated the 28th September, 1887, states the reasons why the Minister

\* See No. 442.

† See No. 436.  
‡ See No. 507.

§ See No. 471.

of State did not consider it advantageous to Spain that Morocco should be declared a neutral State. The following are the two principal reasons:—

1. By guaranteeing the integrity and neutrality of the Empire, Spain would expose herself to burdens and difficulties which prudence counsels her to avoid.

2. If Morocco were declared neutral, Spain might find herself prevented from occupying points which it might become necessary for her to secure in order to preserve the balance of power in the Mediterranean.

Señor Moret was therefore of opinion that time must be gained in order that an agreement might be arrived at which would guarantee to Morocco, not indeed neutrality, but territorial integrity, according to the terms proposed in the collective note of the 11th March, 1887.\*

The chief object of the Berlin Cabinet was to avoid any direct interference in the matter. Accordingly, Count Bismarck, after making us promise that the idea would not be quoted by us as emanating from Germany, proposed the following explanation as being the most practical, i.e., that the Sultan should notify his neutrality to the Powers, and do all he could to secure their recognition of it. There would, of course, be no question of guaranteeing the integrity and independence of Morocco, but the Sultan's notification and the reply of the Powers would, in any case, make the situation clear unmask France if she had any ulterior designs on Morocco, and enable the Powers who were anxious to preserve the *status quo* to provide against any contingency.

The Italian Government had no objection to giving their opinion on the Sultan's proposal in a formal manner. It did not really matter much to us whether the preference was given to this or that course of action. The important part, as far as we were concerned, was, and is now, that in Morocco, as well as everywhere else in Northern Africa, steps should be taken to effectively prevent any contingency which might threaten the *status quo* in the Mediterranean. Accordingly, we did not conceal the fact that the plan suggested by the Berlin Cabinet would receive our sanction if it were approved by the other Powers by agreement with the Sultan of Morocco.

3. The exchange of ideas which followed upon the Sherrefian note of the 13th August, 1887, was interrupted and suspended by the arrival in October of disquieting intelligence with regard to the health of the Sultan, and the dangers with which the fragile fabric of his Empire was threatened in case of his death. Nor were these negotiations again resumed, although the matters which formed their subject were afterwards referred to in the course of other negotiations with which we now propose to deal, i.e., the negotiations with regard to the proposed Conference for the revision of the Convention of Madrid.

## II

4. In a note dated the 17th August 1887, addressed to the Spanish Minister in Morocco, the Grand Vizier Garrit had formally revived the question of the revision of the Madrid Convention, declaring that, so long as the abuses of protection were not remedied, not only was the new Tariff Convention desired by the Powers out of the question, but that Morocco would find itself "obliged to suspend commercial relations with other nations." The Spanish Government hereupon sounded the Cabinets of Berlin, London, Rome, and Vienna, in order to ascertain whether they would be disposed to take part in a new Conference, to be held at Madrid, like the previous one of 1880, with the object of giving due satisfaction to the demands of the Sherrefian Government.‡

The Italian Government at once replied that they were ready to take part in the proposed Conference in order that the Powers might proceed together to such a revision of the terms of 1880 as would put an end to the abuses to which the door was still left open by that Treaty.

Meanwhile the attitude of the various Powers towards the Spanish proposal became apparent.

Germany and Austria from the first gave it to be understood, and they never changed their views, that they would be ready to support any arrangements agreed upon between the Cabinets of Berlin and London with respect to Morocco, so difficult and especially (Germany) conceal their hope that Spain would not yield to French suggestions in this matter but would act in harmony with Italy and England.¶ The two Powers were evidently actuated by motives of general policy rather than by considerations directly proceeding from the affairs of Morocco.

\* See No. 491.  
† See No. 477.

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‡ See No. 484.  
§ See No. 478.

¶ See No. 489.  
§ See Nos. 577 and 528.

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Russia also allowed herself to be guided rather by considerations connected with her position in the European concert, reserving her opinion on the proposed Conference for a more favourable moment, laying stress on the great number of her Mussulman subjects in order to show that the matter was of considerable interest to her, and last, and most important, expressing the opinion that Spain ought to act in concert with France with regard to Morocco.\*

5. The British Cabinet at first wished to make their consent depend on the condition that the Sultan should promise to grant, in return for the revision of the Madrid Convention, those commercial advantages which had long been asked from him. Lord Salisbury's first instructions to Sir W. Kirby Green, British Minister at Tangier, clearly express this view. "It would be desirable" (wrote Lord Salisbury) "to ascertain whether, if the Articles of the Madrid Convention were so modified as to remove any reasonable ground of complaint, the Sultan would undertake to grant in exchange those commercial advantages which are so urgently needed; . . . the stipulations of the Madrid Convention could not be given up without obtaining from the Sultan a promise to grant the commercial facilities which he has so long and so unreasonably refused."†

These reservations of the British Government were met by two objections on the part of the Cabinet of Madrid, which was anxious to carry through the work it had begun. These were, that to make the revision of the Madrid Convention conditional on the granting of commercial advantages would excite the suspicions of the Sultan in the highest degree, and that the hesitation shown by England would encourage the opposition of France, which had already become apparent;‡

Lord Salisbury yielded to these objections, and gave up the idea of making any actual and formal preliminary condition, in place of this he put forward another proposal, i.e., that the programme of the Conference should not be limited to the subject of protection, but should be wide enough to include all questions relating to Morocco, especially those relating to the integrity of the Empire, so that all the communications made on the subject by the Sultan to the three friendly Powers might be laid before the Conference.§

Lord Salisbury's proposal was accepted by the Spanish Government, and it was agreed upon between England and Spain that the Spanish Government should not only support at the Conference the claims of England in favour of commercial advantages (the concession, which, however, was no longer to be an essential preliminary), but should also back up Lord Salisbury's proposal to provide for the integrity of Morocco by the signature, on the part of the Powers, of a self-denying Protocol, as a complement to the Sultan's declaration of neutrality.||

Lord Salisbury, being desirous that the Conference should have before it a well-defined programme so far as the revision of the Madrid Convention was concerned, suggested, and the Spanish Government proposed to the Powers, who at once assented, that the Representatives of the Powers at Tangier should be called upon to draw up a Report on the nature and limits of the revision.

As regards the *modus procedendi* of the Conference, the following British proposal was communicated to us confidentially: that, in the course of the discussion, Morocco should be asked to grant commercial advantages in return for the reforms to be introduced in the matter of protection; that if, as was probable, the Sheressian Representative should thereupon ask the Powers to give a guarantee of the integrity of the Empire, England should support this demand in a resolute manner; if, on the other hand, contrary to all expectation, the Sheressian Representative did not make any demand with respect to the integrity of the Empire, the British Representative would and at opportunity to bring forward the matter himself.\*

6. It was the view of the Italian Government, openly expressed from the first, that none of the questions relating to Morocco should be *a priori* excluded from the programme of the Conference,\*\* and that the question of the preservation of the Empire from any invasion or foreign interference should be expressly included in it. This view was communicated to the British Government, and it became apparent that the views of the two Governments were in complete harmony on this subject as well as on others.††

7. At this juncture, when the way seemed cleared for the projected Conference, and while the Reports asked for from the Representatives of the Powers at Tangier were coming in, a new difficulty arose from the side of France.

After Señor Moret, on a journey to Paris in September, had obtained from M. Flourens his adherence in principle to the projected Conference, the Paris Cabinet (whose objection

\* See No. 348.

† See No. 333.

\*\* See No. 332.

‡ See No. 317.

§ See No. 317.

|| See No. 317.

¶ See No. 317.

¶ See No. 317.

generally to enter into any engagement with regard to political matters in Morocco were well known) had never clearly expressed their views as to the scope of the Conference. M. Flourens had indeed recognized the fact that the Conference could not be held without a programme, and had admitted that it could not be strictly limited to the single subject of protection.\*

It therefore caused some surprise when it became known, towards the middle of January, that the French Government had received a note of M. Flourens, of the 14th January, 1880, the intimation of the programme of the Conference with respect to protection, and a preliminary Agreement between the French and Spanish Governments and a final solution to be proposed to the Powers for the revision of the Madrid Convention. The Spanish Government communicated to the friendly Powers the unexpected demand of the French Government, attributing to it an extremely narrow view, seeing in it an attempt to prevent the Conference from meeting at all.†

The French reply was met with no better reception from the other Powers. Lord Salisbury at once declared that he could not consent to the suggestion of the two French proposals, as the second (i.e., a previous Agreement between France and Spain) was not consistent with the attitude of the Spanish Government throughout the negotiations, and as, with regard to the first, it was on the contrary the intention of Her Majesty's Government if they took part in the Conference, to discuss not only the question of protection, but also all other questions relating to Morocco.‡

The German and Austrian Governments, in this case also, let it be understood that they deferred to the opinion of the British and Italian Governments; they did not conceal the unfavourable impression produced upon them by the reservations made, at this advanced period in the negotiations, by the French Government, and Count Kalakoff expressed his dissent in clear terms against the pretensions of France.§

The Italian Government, on their part, did not hesitate to declare that, in their opinion, the conditions advanced at the last moment by the French Cabinet would, unless altered, place a serious obstacle in the way of the assembling of the Conference.||

In view of the decided opposition of the French Government, it was decided to withdraw the two conditions, and to refer to the Conference the question of the revision of the Madrid Convention, and they declared that they would be satisfied with the previous agreement between France and Spain, the latter would communicate to the Powers the points of the Madrid Convention which in its opinion required to be altered. This demand was easy of fulfilment, as the Representatives of Spain and France had already agreed, and without instructions from their Governments, settled upon a point which was in their opinion have served as a convenient basis for the deliberations of the Madrid Conference as far as protection was concerned.\*\*

It appears from the preceding summary that, in all probability, two questions, both of primary importance, will be discussed at the Conference in addition to the special question of Protection, i.e., a new commercial régime for Morocco, and the integrity of the Empire.

We will say something about these two questions before entering upon the complicated subject of protection, so that the Royal Delegate may know the precise views of the Government with respect to them.

### III.

9. If it were proposed to include in the programme of the Conference the subject of a general revision of the commercial régime of Morocco, Italy, Germany, and Austria, not only Great Britain and Spain would adhere to the proposal, but also France, whose attitude at the negotiations at Tangier, in 1885 and 1886, was dictated by a desire to limit the scope of the negotiations to the subject of protection, and to leave the question of the revision of the Madrid Convention to the future. The fact, however, that the commercial question is now mixed up with the political question will probably make France rather reluctant to raise an objection of a commercial character. On the other hand it is clear, from the repeated declarations of the British Government that they attach great importance to the commercial question, and they will not fail to obtain the support of the Spanish Government in the event when the Conference has once been opened, and that Government sees that France are its friends. It is therefore clear that the commercial question may put an obstacle in the way of the diplomatic work, the success of which is necessary for the gratification of Spanish amour propre.

As far as we are concerned, it is clear that the adhesion and voice of the Italian

\* See No. 348.

† See No. 317.

‡ See No. 317.

§ See Nos. 614, 627, and 619.

|| See No. 317.

\*\* See Nos. 332, 337, and 631.

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Delegate is secured to any proposals for commercial and custom-house reforms. In whatever manner the question may arise at the Conference, whether by a spontaneous declaration on the part of the Sharanian Delegate or by the initiative of the British Delegate the Italian Delegate must not hesitate to declare himself in favour of the proposed reform.

With regard to the details of the reform, the Italian Delegate should concert with the British and Spanish Delegates, especially with the former. Our general views on this subject are those which Signor Scorsso urged the Sherrefian Court to accept on the occasion of his visit to Morocco in 1886.—

1. With regard to imports, a reduction of the *ad valorem* duties which are at present in force at the rate of 10 per cent for all kinds of merchandise. If it is impossible to obtain a general reduction, it might be possible to get a diminution of the duties on those articles in which the 10 per cent. weighs too heavily; or else the export duties on the principal articles might be brought down to 10 per cent. Of course, if the measure is not to be a general one, it becomes necessary to proceed to distinctions between the different classes of articles, the Italian Delegate, after procuring the necessary information directly from the Italian Legation at Tangier will endeavour to obtain the reduction of the principal classes of the principal Italian products and manufactures.

2. A reduction, likewise, of the heavy specific duties at present in force on exports of products of Morocco in which an advantageous trade with Italy is now carried on or is likely to be carried on.

3. The abolition of the power which the Schain has hitherto reserved to herself of absolutely prohibiting the exportation of such products as she may like to reserve for a certain time, for local consumption. It is asked to be that it is not sufficient to obtain the complete abolition of this power, but that it should be limited to a certain standard, and even, and that it should be subject to the abolition of the power to prohibit the exportation of such products as she may like to reserve for a certain time, for local consumption.

It is also possible that the Commission may wish, or may not be able, to consider the Italian proposal in regard to commercial matters. In that case, and if the British Delegate considers as sufficient an engagement in principle, i.e., a statement of the principles by which the subsequent reform of the customs regulations are to be guided, the Italian Delegate will be glad to make such a statement. On the other hand, if the British Delegate considers that the subsequent reform of the customs regulations must be carried out in accordance with the principles actually carried out

10. The question of a guarantee of the integrity of Morocco is a most delicate one. It is useless to attempt to hide the certainty that if this question comes before the Conference opposition will be met with from France. Nevertheless, as we have stated above, the British Government are determined to raise the question and to see a definite solution reached, and they are so firmly resolved to do this that they have openly declared their intention of themselves taking the initiative at a convenient moment if the French Government fail to do so.

It is hardly necessary to say that on this question also our views are entirely in conformity with those of Her Majesty's Government. The Italian Delegate should nevertheless be in constant and intimate communication with his British colleague on the subject. The Italian Government has numerous colonies in remote and recent times, and anxious to see respected in Morocco a *status quo* which is an essential factor in that balance of power on the Mediterranean, the preservation of which our country carries our most careful attention. We cannot resign ourselves to the Powers discussing the affairs of Morocco in Conference without coming to some agreement for the protection of the Empire from disturbances and dangers to which it may at any moment be exposed. If this were to happen, if the Conference separated without solving the important problem which formed the subject of the collective note of the three Powers dated the 11th March, 1887, and the solution of which was urged in the note of the Sherrefian Government of the 16th August following, Europe would, in our opinion, have acted most imprudently in thus incurring a grave responsibility for future contingencies.

In this matter the mode of proceeding is as important as the principle itself. Three proposals have been made. The first, which goes the farthest, comes from the Sultan and was contained in the *Sukuk* issued in our talks August, 1887, already repeatedly quoted. It is that the Powers shall guarantee diplomatically, not only the neutrality but also the integrity of the Empire of Morocco, which is considered to go too far even by the Powers who are most anxious that nothing may happen to disturb the *status quo*. Morocco is not at all likely to be adopted. A second proposal, put forward by the Brit-

Government, is to the effect that the Sultan shall pledge himself not to part with any portion of his territory without previous agreement with the Powers, while the latter, in taking note of this engagement, are on their part to sign a self-denying Protocol. The third proposal is that the Sultan should make a declaration of neutrality, of which the Powers would merely take note.

When the Conference meets, the choice will lie between the two latter alternatives. As far as we are concerned, we are ready to accept either. That put forward by Lord Salisbury has, in our eyes, the advantage of being likely to prove the more efficacious of the two measures; the other, which was proposed by the Berlin Cabinet, who, however, do not wish to appear as its authors, is perhaps less likely to provoke opposition at the Conference. If it is found impossible to obtain the unanimous consent of the Powers to the one, the Italian Delegate may accept the other proposal if a definite result can thus be arrived at. If, however, it becomes apparent that the Conference will not unanimously agree to even the simple acceptance of the declaration of neutrality, the Italian Delegate should firmly adhere to the other proposal, which will at least have the advantage of making the various Powers adopt definite attitudes without necessarily or immediately provoking a conflict between them. With regard to the course to be taken with respect to this delicate question, the Italian Delegate should concert with his British and German colleagues when the opportunity offers.

## 13

11. It is now necessary to treat more particularly of protection, which will form the principal subject of the Conference now summoned.

There are now in Morocco three categories of protected persons, in accordance with the Convention of Madrid and the previous Conventions recited therein.

1. Subject to any kind of service with foreign Representatives, Diplomatic or Consular. Articles II, III, IV, and V of the Convention of Madrid refer to them.

2. Natives who are in the service of foreign principals are termed *ajuntados* (*señorales*, "seigniorial," *señorales*, "seigniorial"). In Article 15 of the *Constitución* of Madrid, their status is now that defined by the regulations of the 19th August, 1863.

3. Natives to whom protection has been granted under Article XVI of the Convention of Madrid, and, in accordance with local customs and regulations, for signal services rendered to the Protecting Power, or for other exceptional reasons.

With regard to protected subjects of the first category, the Convention of Madrid, in confirmation of the previous Treaties between Morocco and Great Britain of 1856, and Spain of 1861, lays down that the Legations may have an unlimited number employed either as interpreters or otherwise, or as attached to the private service of the Head of the Mission; but the Consular Regulations limit the number for each Consul, Vice-Consul, or Consular Agent to one interpreter, one secretary, one guard, and two servants; and to one subject of the Consular Agent is a subject of Morocco. In this category protected persons are only (is not hereditary).

In the second category the number of protected persons ought, in accordance with the regulations of the 19th August, 1863, to be limited to two for each house engaged in the wholesale export, and export trade, it was further concluded, as an experiment, that houses having several houses at different places on the coast should be allowed two protected subjects for each house. In this category protection is temporary, and cases of the protected subject losing his position of "seal."

Protected persons of the third category should not, as is expressly provided by Article 16 of the Convention of Madrid, be more than twelve in number for each Power, unless the Sultan have expressly assented to that number or exceeded it. This category, as in the first, protection is for life only, and cannot be withdrawn: those who, at the time of the conclusion of the Convention at Madrid, were under foreign protection were to remain, independently of the limitation of number.

In accordance with the letter of the Convention of Madrid (Article VII), the list of protected persons of the first category is to be given annually to the local authorities.

There is no such obligation with regard to the remaining categories ; it does not appear that this provision has been carried out exactly even for the first category ; it is known, on the other hand, that the number laid down in the Regulations was often largely exceeded.

12. The greatest abuses are found in the second and third categories of protected persons.

Whereas the Agreement of 1863 concedes the appointment of brokers (i.e., protected persons of the second category) to foreign merchants only, protected subjects themselves have, notwithstanding the protests of the Sherrefian Government, assumed the right of

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making such appointments; there are thus persons in the protection of those who are themselves protected.

Although the Agreement of 1863 granted this right to the large commercial firms only, every little trader in Morocco sets up his own "serrals." What the spirit of the Agreement of 1863 made the brokers, or protected persons, the true and veritable agents of the commercial firms, this arrangement has been abused in such a manner as to constitute a regular traffic between foreign traders and the natives, thanks to such protection being capable of being withdrawn. It is not to be wondered at that the Sherifian Government, unable to restrain the abuse, should complain of a state of things which withdraws a considerable number of subjects from the sovereignty of the Sultan, not only in matters of jurisdiction, but also in matters of taxation and military service, nor should it cause surprise that the Sultan should be reluctant to extend commercial facilities, as the enormous and indefinite number of protected persons who would eventually profit by such facilities would, as it were, expose the Empire to expropriation in favour of other Powers.

With regard to the third category the abuse is quite as great and is here even more dangerous, as its motive is generally of the political order. The cardinal principle should be the preservation of order of protected persons of this category, in the case of certain abuses, however their number is small. It is necessary to call to attention what occurred with regard to the Sheriff of Wazna and his people, an event by which a real *imperium in imperio* was created in Morocco under the auspices of France.

If the Powers wish to put a stop to the abuses, and to substitute for the disorder which now obtains a settlement which shall meet all legitimate requirements, their attention should be principally directed to the fact that some of the most important persons—to the brokers, and to those who are generally reputed to be the most honest and scrupulous—

13. For the purposes of the first category (and persons employed by and in the service of foreign Representatives) the *status quo* pure and simple may be taken into account both as regards limit of numbers and as regards the immunities to be enjoyed by this class of protected persons.

This is not exactly the opinion of the Representatives of Spain and France at Paris, who proposed that the <sup>1</sup> should allow the protected persons of the first category to remain unaltered in numbers and with their present exemption from taxation, but would deprive them of their immunity from [native] jurisdiction.\* This in various motives of which are the <sup>2</sup> to respect the <sup>3</sup> and Sovereign and the power of <sup>4</sup> jurisdiction such <sup>5</sup> under a <sup>6</sup> of <sup>7</sup> appears to us to be unguaranteed. If <sup>8</sup> from [native] jurisdiction is removed, the main value, <sup>9</sup> of protection is gone. It is absolutely necessary that natives attached in whatever manner to the diplomatic and Consular services should, during their tenure of office and afterwards, be removed from the power of the local authorities; for otherwise there will be no more faithful servants, or else they will be exposed to vengeance afterwards. As regard to the category of protected persons, protection should either be maintained as it now is, or it should be entirely abolished. His Majesty's Charge d'Affaires, no doubt, right when he observes that protection, with the consequent exemption from [native] jurisdiction, of persons in this category is a political question and obtains wherever Consuls exercise jurisdiction.†

We are thus of opinion that Articles II, III, and IV of the Convention of Montevideo concerning protected persons of the first category, might be left substantially unaltered. Greater clearness would, however, be gained by making certain amendments in the drafting. To begin with it would be well to place after the three Articles in question, and to make a separate clause of, the declaration now inserted in Articles II and III, but omitted from IV, that protected persons are exempt from taxes—with the exception of the usual local and gate taxes under Articles XII and XIII, and it would be well for all purposes to complete this declaration by expressly affirming the exemption from [native] jurisdiction. In the second place, it would be well to affirm expressly that protection of this kind is for life, so as to prevent its being alleged that it is of a temporary character.

The Articles would, after some further slight amendments of form, stand as follows:—

Article II. Les Représentants étrangers, Chefs de Mission, peuvent, sans limitation de nombre, choisir parmi les sujets Marais leurs adjoints et employés, ainsi que les attachés à leur service personnel.

\* See document No. 582.

<sup>1</sup> See document No. 532 p. 1.

Article III. Les Consuls, Vice-Consuls, ou Agents Consulaires, Chefs de Poste, ne peuvent, chacun pour son compte, choisir, parmi les sujets du Sultan, qu'un interprète, un secrétaire, un soldat, et deux domestiques.

**Article IV.** Les Représentants étrangers peuvent également nommer des sujets du Sultan en qualité d'Agents Consulaires."

Les Agents Consulaires ainsi nommés ont, à leur tour, la faculté, chacun pour son compte, de choisir parmi les sujets du Sultan un soldat pour l'exercice de leurs fonctions.

Art. 10. — Les sujets Marocains choisis d'après les Articles II, III, et IV ci-dessus ont, à titre viager, la qualité de protégés. Ils jouissent, comme tels, de l'immunité juridictionnelle envers l'autorité locale, ainsi que de l'exemption de tous impôts locaux, à l'exception de ceux imposés aux Articles XII et XIII.

L'ensemble et l'exécution sont réglés par des auxiliaires indigènes des Agents Consulaires, mais sont soumis à l'autorité des Agents Consulaires dans l'exercice de leurs fonctions.

14. The provisions of Articles II, III, and IV of the Convention of Madrid are completed by Article V, which lays down special rules for the choice of employés and servants admitted to protection. Such rules are wise and useful. But the present drafting of the Article seems to be in several respects faulty.

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Secondly, it will be well in order to remove a doubt which has given rise to much controversy, to state clearly that the provisions of the Act are to be applied in the first and fourth paragraphs of the Act as a procedure, and that the second paragraph of the same Act is to be applied as a substantive law. The matter is self-evident, but it would be impossible to say so positively in the Act, since it is not in the local courts against persons newly admitted to the country, but only if the staple fact of the existence of a civil process were to be proved. It is, however, to be noted that the provisions of the Act are to be applied in the first and fourth paragraphs of the Act as a procedure, and that the second paragraph of the same Act is to be applied as a substantive law.

stand as follows:—

Article V Les choix dont il est question aux Articles II, III, et IV ci-dessus peuvent être librement faits dans toute catégorie d'indigènes, à l'exception des Cuiraks ou autres employés du Gouvernement Marocain, tels que les soldats de ligne ou de cavalerie et les "chefs des "maghazania" préposés à leur garde.

Le droit de libre choix, ainsi que le droit de protection qui en découle, ne peuvent s'exercer à l'égard de personnes poursuivies pour un délit ou un crime avant qu'elles n'aient été jugées par les autorités du pays, et qu'elles n'aient, s'il y a lieu, acquitté leur peine. Les procès civils engagés avant la protection se termineront devant les Tribunaux qui s'y trouvent déjà saisis. L'exécution des décisions judiciaires ne rencontrera plus d'appréhension. Toutefois, l'autorité locale aura soin de communiquer immédiatement la sentence rendue, à la Légation, au Consulat, ou Agence Consulaire dont le protégé relève.

of the protected person. A third paragraph states that protection is not hereditary but, as an exception to this rule has been admitted in favour of the Benchemmel family (protected French subjects), it is added that, should the Sultan allow other ex-patriates such Power would be entitled to claim the similar favour on its own behalf. So vague and elastic a stipulation does not certainly increase the force of the obligation.

In so doing, ex a parte, and one ~~ex parte~~ and all other powers of the court, be removed. It seems to us that the true meaning of the 11th Amendment would be secured by the following amended text:—

Il est entendu que la famille ne se compose que de la femme, des enfants, et de  
parens à charge de la femme, et de tout

\* The present text of Article IV provides that protection shall equally extend to the Consular Agent and to the Consul. But this provision is superfluous if a similar provision (including all consular persons referred to in Articles II, III and IV) is put in Article V, in a better place for such a provision.

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La protection n'est pas héréditaire.

The best thing to be done in the case of the Benchumel family, so as not to let them go on for ever in the ambiguous position of protected French subjects, would be to give them at once French nationalization, if they will take it, and fix a term after which, if they should not have become French, they would become simply subjects of Morocco.

16. No substantial objection can be taken to Articles VII and VIII. The present text does not appear to us, however, to be sufficiently precise. It will be enough to observe that although there is a connection between paragraph 2 of Article VII and paragraph 1 of Article VIII, these two paragraphs are, nevertheless, placed in separate Articles. In our opinion, it would be better to fuse these two Articles into one, which might run thus:—

Article . . . Les Représentants étrangers remettront le 1<sup>er</sup> Janvier de chaque année au Ministre des Affaires Étrangères une liste nominative de leurs protégés respectifs dans tout le territoire de l'Empire avec indication, pour chacun des protégés, du titre de la protection qui leur est accordée.

Les changements survenant dans le cours de l'année formeront, au fur et à mesure, qu'ils se produiront, l'objet de communications spéciales.

We think that the Article thus amended would stand better somewhat farther on after the list and definition of the various classes of protected persons, as the annual lists must contain them all without any exceptions.

17. After the very precise provisions in Articles II, III, and IV the first paragraph of Article IX might be thought superfluous. It would, however, be best to keep it so as to avoid all possibility of doubt.

The second and third paragraphs are useful; but it should be clearly expressed that when a native servant of a native under foreign protection, or a servant or employé of a native foreigner, is arrested or commits an offence the notice that is to be given to the foreign Representative does not imply any obstacle to the proceedings, but merely gives the foreign Representative an opportunity to watch the case if he thinks fit to do so.

The Article would then stand whole as follows:—

Article IX. Les domestiques, fermiers, et autres employés indigènes des secrétaires et interprètes indigènes ne jouissent pas de la protection. Il en est de même pour les employés ou domestiques Marocains des sujets étrangers.

Toutefois les autorités locales ne pourront arrêter un employé ou domestique d'un fonctionnaire indigène au service d'une Légation ou d'un Consulat, ou d'un sujet ou protégé étranger, sans en avoir prévenu l'autorité dont il dépend.

Si un sujet Marocain au service d'un sujet étranger venant à tuer quelqu'un, à blesser, ou à violer son domicile, il sera arrêté sans retard, mais l'autorité diplomatique ou Consulaire sous laquelle il est placé sera avertie sans retard.

Dans les deux cas l'avis donné à l'autorité diplomatique ou Consulaire ne servira qu'à empêcher de retarder les poursuites. L'arrestation et les poursuites étant seulement de la compétence de l'autorité locale, il appartient au Consulat de surveiller, s'il le croit devoir le faire, une surveillance sur la marche du procès.

18. As we stated above, abuses have been most frequent with respect to protected persons of the second category, i.e. with respect to those who acquire protection by being appointed "censals" or commercial agents. The provisions of the Regulations of 1863 which were expressly confirmed by the Convention of Madrid, have proved useless, they have long been a dead letter.

His Majesty's Consul at Tangier in his elaborate report,\* expresses the opinion that the Convention has been a general failure, that this kind of protection is undesirable, but that, in view of the interests of trade with Morocco, and especially with the interior of the Empire, its abolition must be postponed until such time as the Sultan shall be ready to introduce radical reforms not only with regard to taxation, but also with regard to the administration of the country, and, as a temporary measure, and in view of the "scandal" to be protected for the present, abuses should be guarded against not only by professing to adhere faithfully to the restrictions provided in the Regulations of 1863, but also by putting the safeguards proposed by England at the Conference of 1880 which were not only favourably received. These safeguards were as follows:—The brokers to be chosen only from among the inhabitants of the ports and towns to the exclusion of the inhabitants of the country districts; the "censals" to remain subject to the local jurisdiction, and only to have Consular assistance in certain proceedings of serious import; finally, certain guarantees to be given by the brokers in favour of the commercial houses which they represent.

\* See document No. 392, p. 20 and following.

The Ministers of Spain and France, in the draft drawn up by them in common,\* thought that the problem of the brokers would be conveniently solved by allowing the institution to continue, but making the protection cover, not the person of the broker, but the goods which he holds in deposit for the foreign firm with which he is connected. For this purpose the brokers would have to keep a register, [ ? ] and signed by the Consul, in which would be registered the goods as they were received or sold, the Consul might, at any time, demand that not only the registers, but also the invoices, the bills of lading, and the custom-house receipts, should be shown to him. Besides this, the Franco-Spanish project would, as it suppresses immunity from local jurisdiction for protected persons of the first category, *a fortiori* also suppress it for the brokers.

The Italian Chargé d'Affaires, although ready to admit the desirability of restricting the present immunities of this class of protected persons, doubts whether the institution of registers will be an efficacious remedy against abuses. He remarks that, as, up to the present time, persons have been satisfied by attributing the character of broker to men who had no idea of exercising any such profession, so also, for the future, the registers will be falsified, which will be a deception more easy to practice.

Nevertheless, it would seem useful, for the solution of the problem, to adopt one of the schemes put forward either by the Italian Chargé d'Affaires or by the Spanish and French Ministers, while confirming the Regulation of 1863, and making it obligatory to show the list of protections every year, whatever may be the category of the protected persons. In our opinion, therefore, the obligation of showing the lists annually, even in the case of protected brokers, should remain, and the present Article X of the Madrid Convention should be modified by inserting all the provisions of the Regulation of 1863 which it is desired to keep, and devising proper safeguards to reduce within proper limits the immunity which would be conceded to this category of persons.

The new Article would run thus:—

Art. X. Les négociants étrangers exerçant, au Maroc, en gros le commerce d'exportation et d'importation, ou bien la Commission pour leur propre compte, ont la faculté de choisir dans les ports et les villes de l'Empire, à l'exclusion des campagnes, des agents ou censaux chargés de les représenter dans leurs transactions avec les producteurs ou acheteurs du pays.

Chaque maison de commerce ne peut avoir que deux censaux pour chacun de ses propres établissements situés dans des ports différents.

Les censaux, s'ils sont indigènes, continuent d'être assujettis à la juridiction locale. Ils ne pourront cependant être poursuivis qu'après avis donné à l'autorité Consulaire dont relève la maison étrangère qu'ils représentent, afin que la dite autorité Consulaire puisse, si elle croit devoir le faire, surveiller la marche du procès.

Les affaires commerciales faites par les censaux pour le compte de leurs commettants sont du ressort de l'autorité Consulaire. A cet effet, les censaux sont obligés de tenir des livres, paraphés par les Consuls, où les affaires faites pour le compte de leurs commettants seront régulièrement inscrites.

Les censaux ne jouissent d'aucune immunité en matière d'impôt.

La protection dont les censaux jouissent cesse de plein droit dès le jour où ils seraient relevés de leurs fonctions par la maison qui les a nommés.

19. The third category of protected persons includes, as we have said, those Moorish subjects who, without being in the service of the Legations or Consulates, or without having the capacity of brokers to foreign commercial houses, enjoy protection as a particular favour. Although this institution does not go back, in Morocco, further than the middle of this century, the complaints of the Sherrefian Government about the abuses which soon crept in, as may easily be understood, were so many and so amply justified that the Powers assembled in the Conference of 1890 felt it their duty to devise a remedy. This they did by Article XVI of the Convention of Madrid, in which the maxim was established of suppressing all protections which are not founded on the claims sanctioned by the Convention itself; but the exercise of the customary right of protection in return for great services or other exceptional motives is admitted (as we said else-where) a concession of twelve protections of this category was fixed for each Power (which might, however, be exceeded with the consent of the Sultan), and it was made obligatory to notify to the Sherrefian Government the services or motives by which the concession was justified.

Article XVI of the Convention of Madrid therefore became a dead letter; the Powers who previously had been charged about giving protections continued to do so, while the others did not alter their customs, and the abuse increased so much that in 1884 it

\* See document No. 390.



occurred that the Shercef of Wazan, the greatest religious leader after the Sultan, and a pretender to the Throne in case of any future vacancy, acquired the protection of France with all his followers.

The Italian Chargé d'Affaires is of opinion that the evil should at once be destroyed, root and branch. According to him the so-called customary protections have practically no value for those Powers who have no intentions in Morocco besides the legitimate development of their own moral and commercial influence. For instance, Italy numbers among the persons she protects the best firms of Tanger and the coasts; the protection has been granted for twenty-five, thirty, or more years, yet the commerce of Italy has remained almost a nonentity, and more but a very little of it passes through their hands, and as regards political influence, the only effect the protections produced for Italy was to entangle her in disagreeable questions with the local authorities, questions of no national interest, but yet concerning the prestige of our flag through the protection we assumed. Besides which, it is not just that foreigners who are ignorant of our language and laws, and not bound to our country by any ties of affection, as well as being free from all conscription or taxes, should still enjoy all the advantages of Italian citizenship.

Some have tried to support customary protections by considerations of humanity, alleging that they were the means of removing from the frequently cruel government of the local authorities native Jews who were guilty of nothing but displaying a crafty cleverness which the Mussulins and Moorish rulers in Morocco did not understand. This argument is more specious than real. Besides the facts that the protections are always granted to political reasons, as the Shercef of Wazan could tell us, and that twice was the Jews who were before safe from persecution, who had the privilege of not being taxed, and that traders, who are subject to the most pitiable taxes, have not been so maintained that protections to the extent of as many as there are Powers represented in Morocco are sufficient to save from oppression the 250,000 Jews who live in that Empire? Very different safeguards must be devised if they are to be effective. It will be much better that the Representatives of the civilized nations should be watching that no acts of persecution occur, that they should urge the Shercef to govern by assiduous and patient action in the matter, to abolish by degrees the customs, the prejudices, and the legal disabilities which oppress the Jews, that their collective action should be prompt and energetic whenever there is any occasion for it. After this customary protections may be suppressed without scruple.

The Ministers of Spain and France appear of the same opinion. They also propose to abolish the customary protections. But the Franco-Spanish scheme contains serious defects. M. Diodado and Féraud propose that the position of those protected at present should be finally regulated by customary law, that a list of their names should be drawn up in the Conference which is about to meet and annexed to the new Convention, and that all of them, without distinction, should receive the status, not of protected subjects, but that of citizens of the respective States. The Italian Chargé d'Affaires admits that rights which have been acquired cannot be abolished by a stroke of the pen, therefore it would be of great advantage if a list of the protections were compiled by the action of the Conference itself, and by means of a proof of titles which should show the regularity of each individual case according to the Convention of Madrid. But there seems no reason (as the Chargé d'Affaires justly observes) why these persons should become citizens of the State which had before protected them, and so all their rights, interests and their families a much greater advantage, which would be necessary, instead of the present protection, of which the application is limited, and which only lasts for one life.

On the basis of the ideas expressed above Article XVI of the Convention of Madrid should be modified thus:

Art. XVI. Sous les conditions énoncées aux Articles II, III, IV, et V de la présente Convention, aucune protection ne pourra désormais être accordée à l'avenir avec ou sans le consentement du Sultan.

Les personnes actuellement protégées en vertu de l'Article XVI de la Convention de Madrid du 3 Juillet, 1880, continueront à jouir en titre viager et sans transmissibilité héréditaire de la protection aux conditions fixées par l'Art. . . . de la présente Convention. Une liste nominative des protégés actuels de cette catégorie est annexée à la présente Convention.

20. With the subject of customary protections that of foreign naturalization is connected, to which Article XV of the Convention of 1880 refers, establishing a complicated system, partly juridical and partly administrative, by which, if naturalization in a foreign country has been obtained without the consent of the Sultan, the former Moorish subject, if he returns to the Empire and remains there for a period equal to that during which he resided abroad

to obtain his naturalization, may choose between returning to his old allegiance or leaving the country for ever. It would be impossible to imagine any system more favourable to abuses and to disputes, and the matter appears more dangerous when it is considered that Morocco is continuous with Algeria, and that nothing is easier than for individuals, families, or tribes to be continually passing from one side of the frontier to the other.

Both the Italian Chargé d'Affaires and the Ministers of Spain and France propose that the present system should be abolished, and a new one adopted as exists in Italy, by Article V of the Ottoman Law of 19th January, 1844. In virtue of this Article, which has been accepted by the Powers and enforced for many years with great advantage, naturalization in a foreign country without the authority of the Porte has no effect within the Ottoman dominions. Article XV, however, instead of being simply suppressed, proposed by Messrs. Diodado and Féraud, ought, in order to express the idea of new system, to be worded thus:—

Art. XV. Tout indigène Marocain naturalisé à l'étranger ne sera considéré comme tel au Maroc, comme ayant cessé d'être sujet du Sultan que dans le cas où la naturalisation serait préalablement autorisée par Sa Majesté Chérifienne.

Articles XI, XII, XIII and XIV of the Convention of 1880 do not appear to furnish matter for any remark, but, without effecting any change in the Convention as agreed upon at the next Conference,\* it will be advisable for the Convention to prohibit in a formal manner the violation of the Powers of the Sultan, should, over the exact observation of Article XI (up to now a dead letter), according to which foreigners have the right to acquire the possession of property of all kinds.

To prevent the disputes which often arise, at present, between natives and foreigners about the carrying out of certain contracts, Messrs. Diodado and Féraud propose an additional clause, which seems useful to us, but which we should prefer to insert in the Convention as a separate Article, instead of adding it on to Article XII as they propose. It would run as follows:—

Art. . . . Aucun contrat de location, association, ou autre de la même nature, entre étrangers et indigènes, ne sera valable s'il n'est ratifié par le Consul ou le Vice-Consul, qui doit énumérer des apports de chacune des Parties Contractantes. Le contrat doit en outre être confirmé par devant le Kadi ou autre autorité locale.

Tout contrat entre étranger et indigène qui ne serait pas soumis à cette double sanction sera désormais sans valeur devant les Magistrats dont les deux parties relèvent.

22. Having thus reviewed all the main Articles of the Convention of Madrid, we still have to say a few words about the formal Articles.

Article XVII sanctions the principle of equality of treatment between all the Powers. It is quite correct, and no alteration is necessary.

Article XVIII refers to the exchange of ratifications. The Conference will provide for that as it thinks best.

Finally, with regard to Article I, which we intentionally proposed to discuss last, it seems to us that, as the new Convention would regulate completely and in detail the whole question of protection, we ought to omit the confirmation of previous Conventions stipulated in 1840. This appeal to various Conventions, agreed upon at different times between different parties, and containing clauses which are not always to be reconciled one with the other, is not without serious objections, as it affords a wide field for controversies and abuses. In our opinion, it would be advisable to declare, once for all, that the new Convention definitely regulates the protection question in Morocco, and that every other previous agreement, arrangement, or regulation on this subject is annulled. Article I would be worded thus:—

Art. I. La présente Convention est destinée à régler d'une manière définitive et complète le régime des protections au Maroc. Tout accord, arrangement, ou règlement antérieur concernant cette matière est expressément abrogé.

## V.

23. The considerations and proposals which we have elaborated furnish a clear explanation of the work which we desire to see prevail in the approaching Conference at Madrid.

We desire that the Conference should regulate the commercial question by making a fair reduction in the import and export duties, and by suppressing, or at least restricting, the arbitrary prohibitions against exporting.

\* We have only suppressed, in Articles XII and XIII, all mention of the "Marrakech" as it has been questioned by the modified Convention, the brokers would enjoy no immunity from taxes.

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We also desire that the inviolability of the Empire should be guaranteed either by the Powers accepting from the Sultan a declaration of neutrality or by an engagement taken by the Sultan not to give up any of his possessions, to which should correspond a self-denying Protocol on the part of the Powers.

Finally, we desire, together with proper regulations for the right of acquiring property by foreigners and for the nationalization in foreign countries of Moorish subjects, to fix certain and decided rules for the system of protections. Excluding the customary protections, which we will rather call unjustifiable protections, we propose that there should be two classes: one for life, including the officials and subordinates of foreign Diplomatic Agents and Consuls who would enjoy full independence of the Tribunals, and to a certain extent freedom from taxation; the other to be temporary, and to include the commercial agents or brokers, who would enjoy only assistance in matters of justice and no exemption from taxation whatever. For both classes there would be a fixed proper numerical limitation, and an annual presentation of a list of names would be obligatory.

The individuals at present enjoying customary protections would continue to enjoy them for their lives, but the Conference must recognize their claims and fix a cost.

Will our work be perfect thus? We cannot affirm that it will be so, especially in a case where practical execution must correspond to execution of agreements. But we think that by our proposals we have secured the bases which experience has demonstrated to be the dangers which foresight must be met.

21 The Italian Delegate, in presenting and explaining the proposals, should seek assistance and counsel from those of his colleagues who will, as it has already appeared, take up an attitude similar to our own and friendly to our opinions. With his British colleague especially he should try to work and discuss with mutual courtesy and efficiency.

The Royal Legation at Tangier, we need not say, be at the disposal of the Royal Mission and through the Conference, for obtaining whatever information on matters of fact which the Delegate may require during the Conference.

22 For the sake of clearness the following documents are enclosed —

- (1) Complete scheme for the new Convention, the outcome of our proposals (Inclosure A)
- (2) Convention of Madrid of July 3, 1880 (Inclosure B)
- (3) Regulation of August 19, 1883 (Inclosure C)
- (4) Scheme elaborated by the Ministers of France and Spain at Tangier (Inclosure D)

#### Inclosure (A)

#### Italian Draft

[N.B. — The numbers of the corresponding Articles of the Convention of July 3, 1880, are added in brackets (in italics).]

#### Convention.

SA Majesté le Roi d'Italie, Sa Majesté l'Empereur d'Allemagne, Sa Majesté, &c. &c. Ayant vu qu'il est nécessaire d'établir sur des bases fixes et uniformes l'exercice du droit de protection au Maroc, et de régler certaines questions qui s'y rattachent, ont nommé pour leurs Plénipotentiaires à la Conférence, qui s'est réunie à cet effet à Madrid, savoir: —

Sa Majesté le Roi d'Italie, &c.

Les plénipotentiaires, munis de leurs pleins pouvoirs, reconnus en bonne et due forme ont arrêté les dispositions suivantes:

#### ARTICLE I<sup>er</sup> [I]

La présente Convention est destinée à régler d'une manière définitive et complète le régime des protections au Maroc. Tout accord, arrangement, ou règlement antérieur concernant cette matière est expressément abrogé.

#### ARTICLE II [II]

Les Représentants étrangers Chefs de Mission peuvent, sans limitation de nombre, choisir parmi les sujets Marocains leurs interprètes et employés, ainsi que les gens attachés à leur service personnel.

#### ARTICLE III [III]

Les Consuls, Vice-Consuls, ou Agents Consulaires Chefs de Poste ne peuvent, chacun pour son compte, choisir, parmi les sujets du Sultan, qu'un interprète, un secrétaire, un soldat, et deux domestiques.

#### ARTICLE IV [IV]

Les Représentants étrangers peuvent également nommer des sujets du Sultan en qualité d'Agents Consulaires.

Les Agents Consulaires ainsi nommés ont, à leur tour, la faculté, chacun pour son compte, de choisir parmi les sujets du Sultan un soldat pour l'exercice de leurs fonctions.

#### ARTICLE V [V]

Les sujets Marocains choisis d'après les Articles II, III, et IV ci-dessus ont, à titre viager, la qualité de protégés. Ils jouissent, comme tels, de l'immunité juridictionnelle envers l'autorité locale, ainsi que de l'exemption de tout droit ou impôt quelconque, sauf les exceptions stipulées aux Articles XV et XVI (VII et VIII).

L'immunité et l'exemption sont également dues aux gerants ou gérants des Agences Consulaires, mais seulement à titre temporaire et pendant l'exercice de leurs fonctions.

#### ARTICLE VI [VI]

Les choix dont il est question aux Articles II, III, et IV ci-dessus peuvent être librement faits dans toute catégorie d'indigènes, à l'exception des Clercs ou autres employés du Gouvernement Marocain, tels que les soldats de ligne ou de cavalerie en dehors des "mughazanas" proposés à leur garde.

Le droit de libre choix, ainsi que le droit de protection qui en découle, ne peuvent s'exercer à l'égard de personnes poursuivies pour un délit ou un crime avant qu'elles n'aient été jugées par les autorités du pays, et qu'elles n'aient, s'il y a lieu, acquitté leur peine.

Les procès civils engagés avant la protection se termineront devant les Tribunaux qui s'en trouvent déjà saisis. L'exécution de la sentence ne rencontrera pas d'empêchement. Toutefois l'autorité locale aura soin de communiquer immédiatement la sentence rendue à la Légation, Consulat, ou Agence Consulaire dont le protégé relève.

#### ARTICLE VII [VII]

La protection s'étend sur la famille du protégé. Sa durée sera respectée.

Il est entendu que la famille ne se compose que de la femme, des enfants, et des parents mineurs qui habitent sous le même toit.

La protection n'est pas héréditaire.

#### ARTICLE VIII [IX]

Les domestiques, fermiers, et autres employés indigènes des secrétaires et interprètes indigènes ne jouissent pas de la protection. Il en est de même pour les employés ou domestiques Marocains des sujets étrangers.

Toutefois les autorités locales ne pourront arrêter un employé ou domestique d'un fonctionnaire indigène au service d'une Légation ou d'un Consulat, ou d'un sujet ou protégé étranger, sans en avoir prévenu l'autorité dont il dépend.

Si un sujet Marocain au service d'un sujet étranger venait à fuir, à le blesser, ou à violer son domicile, il serait immédiatement arrêté, mais l'autorité diplomatique ou Consulaire sous laquelle il est placé serait avertie sans retard.

Dans les deux cas l'avis donné à l'autorité diplomatique ou Consulaire ne saurait empêcher ni retarder les poursuites, le but de cet avis étant seulement de mettre l'autorité diplomatique ou Consulaire en mesure d'exercer, s'elle croit devoir le faire, une surveillance sur la marche du procès.

#### ARTICLE IX [X]

Les négociants étrangers exerçant, au Maroc, en gros le commerce d'exportation et d'importation, ou bien la commission pour leur propre compte, ont la faculté de choisir

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dans les ports et villes de l'empire, à l'exclusion des campagnes, des Agents ou "censeaux," chargés de les représenter dans leurs transactions avec les producteurs ou acheteurs du pays.

Chaque maison de commerce ne peut avoir que deux "censeaux" pour chacun de ses propres établissements situés dans des ports différents.

Les "censeaux," s'ils sont indigènes, continuent d'être assujettis à la juridiction locale. Ils ne pourront cependant être poursuivis qu'après avis donné à l'autorité Consulaire dont relève la maison étrangère qu'ils représentent, afin que la dite autorité Consulaire puisse, si elle croit devoir le faire, surveiller la marche du procès.

Les affaires commerciales faites par les "censeaux" pour le compte de leurs commettants sont du ressort de l'autorité Consulaire. A cet effet, les "censeaux" sont obligés de tenir des livres, paraphés par les Consuls ou les affaires faites pour le compte de leurs commettants seront régulièrement inscrites.

Les "censeaux" ne jouissent d'aucune immunité en matière d'impôts.

La protection dont les "censeaux" jouissent cesse de plein droit dès le jour où ils cessent d'être relevés de leurs fonctions par la maison qui les a nommés.

#### ARTICLE X [VII et VIII].

Les Représentants étrangers remettront, le 1<sup>er</sup> Janvier de chaque année, au Ministre des Affaires Étrangères une liste nominative de leurs protégés respectifs dans tout le territoire de l'Empire, avec indication, pour chacun des protégés, du titre de la protection qui leur est accordée.

Les changements survenant dans le cours de l'année formeront, au fur et à mesure qu'ils se produiront, l'objet des communications spéciales.

#### ARTICLE XI [XVI].

Sauf les cas énumérés aux Articles II, III, IV, et IX (II, III, IV, et X) de la présente Convention, aucune protection ne pourra désormais être accordée à l'avenir, avec ou sans le consentement du Sultan.

Les indigènes actuellement protégés en vertu de l'Article XVI de la Convention de Madrid du 3 Juillet, 1880, continueront à jouir, à titre viager, et sans transmissibilité héréditaire, de la protection aux conditions fixées par l'Article V de la présente Convention.

Une liste nominative des protégés actuels de cette catégorie est annexée à la présente Convention.

#### ARTICLE XII [XV].

Tout indigène Marocain naturalisé à l'étranger ne sera considéré, en rentrant au Maroc, comme ayant cessé d'être sujet du Sultan que dans le cas où la naturalisation serait préalablement autorisée par Sa Majesté Chérifienne.

#### ARTICLE XIII [XI].

Le droit de propriété au Maroc est reconnu pour tous les étrangers.

L'achat de propriétés devra être effectué avec le consentement préalable du Gouvernement, et les titres de ces propriétés seront acquis aux formes prescrites par les lois du pays.

Toute question qui pourrait surgir sur ce droit sera décidée d'après ces mêmes lois, avec l'appel au Ministre des Affaires Étrangères, stipulé dans les Traités.

#### ARTICLE XIV [nono].

Aucun contrat de location, association, ou autre de la même nature, entre étrangers et indigènes, ne sera valable s'il n'est dressé par devant le Consul ou Agent Consulaire, qui doit s'assurer des apports de chacune des Parties Contractantes. Le contrat doit en outre être confirmé par devant le Kadi ou autre autorité locale.

Tout contrat entre étranger ou indigène qui ne serait pas soumis à cette double formalité sera désormais sans valeur devant les Magistrats dont les deux parties relèvent.

#### ARTICLE XV [XII].

Les étrangers et les protégés, propriétaires ou locataires de terrains cultivés, paieront l'impôt agricole. Ils remettront chaque année à leur Consul la note exacte de ce qu'ils possèdent, en acquittant entre ses mains le montant de l'impôt.

Celui qui fera une fausse déclaration paiera, à titre d'amende, le double de l'impôt qu'il aurait dû régulièrement verser pour les biens non déclarés. En cas de récidive cette amende sera doublée.

La nature, le mode, la date, et la quotité de cet impôt seront l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Étrangères de Sa Majesté Chérifienne.

#### ARTICLE XVI [XIII].

Les étrangers et les protégés, propriétaires de bêtes de somme, paieront la taxe dite des portes. La quotité et le mode de perception de cette taxe, commune aux étrangers et aux indigènes, seront également l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Étrangères de Sa Majesté Chérifienne.

La dite taxe ne pourra être augmentée sans un nouvel accord avec les Représentants des Puissances.

#### ARTICLE XVII [XIV].

La médiation des interprètes, secrétaires indigènes, ou soldats des différentes Légations ou Consuls, lorsqu'ils s'agit de personnes non placées sous la protection de la Légation ou du Consul, ne sera admise qu'autant qu'ils seront porteurs d'un document signé par le Chef de Mission ou par l'autorité Consulaire.

#### ARTICLE XVIII [XVII].

Le droit au traitement de la nation la plus favorisée est reconnu par le Maroc à toutes les Puissances représentées à la Conférence de Madrid.

#### ARTICLE XIX [XVIII].

La présente Convention sera ratifiée. Les ratifications seront échangées à Tanger dans le plus bref délai possible.

Par consentement exceptionnel des Hautes Parties Contractantes, les dispositions de la présente Convention entreront en vigueur à partir du jour de la signature à Madrid.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Madrid, le

Inclusure (B)

Convention of July 3, 1880.

Convention.

Sa Majesté le Roi d'Italie, Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté l'Empereur d'Autriche, Roi de Hongrie, Sa Majesté le Roi des Belges, Sa Majesté le Roi de Danemark; Sa Majesté le Roi d'Espagne, son Excellence le Président des États-Unis d'Amérique, son Excellence le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande; Sa Majesté le Sultan du Maroc, Sa Majesté le Roi des Pays-Bas, Sa Majesté le Roi de Portugal et des Algarves; Sa Majesté le Roi de Suède et Norvège.

Avant reconnu la nécessité d'établir sur des bases fixes et uniformes l'exercice du droit de protection au Maroc, et de régler certaines questions qui s'y rattachent, ont nommé pour leurs Plénipotentiaires à la Conférence, qui s'est tenue à cet effet à Madrid, savoir:

Sa Majesté le Roi d'Italie, M. le Comte Joseph Greppi, Grand Officier de l'Ordre des Saints Maurice et Lazare et de celui de la Couronne d'Italie, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique;

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, M. le Comte Eberhardt de Solms-Bonnenberg, Commandeur de Première Classe de son Ordre de l'Aigle Rouge avec feuilles de chêne, Chevalier de la Croix de Fer, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique;

Sa Majesté l'Empereur d'Autriche, Roi de Hongrie, M. le Comte Emmanuel Ludolf, son Conseiller intime et actuel Grand Croix de l'Ordre Impérial de Léopold, Chevalier de Première Classe de l'Ordre de la Couronne de Fer, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique.

Sa Majesté le Roi des Belges, M. Edouard Anspach, Officier de son Ordre de Léopold, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique;

Sa Majesté le Roi d'Espagne, Don Antonio Canovas del Castillo, Chevalier de l'Ordre Insigne de la Toison d'Or, &c., Président de son Conseil des Ministres,

Son Excellence le Président des Etats-Unis d'Amérique, M. le Général Lucius Fairchild, Envoyé Extraordinaire et Ministre Plénipotentiaire des Etats-Unis près Sa Majesté Catholique;

Son Excellence le Président de la République Française, M. le Vice-Amiral Jaurès, Sénateur, Commandeur de la Légion d'Honneur, &c., Ambassadeur de la République Française près Sa Majesté Catholique;

Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, l'Honorable Lionel Sackville West, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique, lequel est également autorisé à représenter Sa Majesté le Roi de Danemark;

Sa Majesté le Sultan du Maroc, le Taleb Sid Mohammed Vargas, son Ministre des Affaires Étrangères et Ambassadeur Extraordinaire;

Sa Majesté le Roi des Pays-Bas, M. le Jonkheer Maurice de Helderwerf, Commandeur de l'Ordre Royal du Lion Néerlandais, Chevalier de l'Ordre de la Couronne de Chêne de Luxembourg, &c., son Ministre Résident près Sa Majesté Catholique;

Sa Majesté le Roi de Portugal et des Algarves, M. le Comte de Casal Ribeiro, Pair du Royaume, Grand Croix de l'Ordre du Christ, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Catholique;

Sa Majesté le Roi de Suède et de Norvège, M. Henri Akerman, Commandeur de Première Classe de l'Ordre de Wasa, &c., son Ministre Résident près sa Majesté Catholique;

Lesquels, en vertu de leurs pleins pouvoirs, reconnus en bonne et due forme, ont arrêté les dispositions suivantes:

#### ARTICLE I.

Les conditions dans lesquelles la protection peut être accordée sont celles qui sont stipulées dans les Traités Britannique et Espagnol avec le Gouvernement Marocain et dans la Convention survenue entre ce Gouvernement, la France, et d'autres Puissances en 1863, sauf les modifications qui y sont apportées par la présente Convention.

#### ARTICLE II.

Les Représentants étrangers, Chefs de Mission, pourront choisir leurs interprètes et employés parmi les sujets Marocains ou autres.

Ces protégés ne seront soumis à aucun droit, impôt, ou taxe quelconque, en dehors de ce qui est stipulé aux Articles XII et XIII.

#### ARTICLE III.

Les Consuls, Vice-Consuls, ou Agents Consulaires, Chefs de Poste, qui résident dans les États du Sultan du Maroc, ne pourront choisir qu'un interprète, un soldat, et deux domestiques parmi les sujets du Sultan, à moins qu'ils n'aient besoin d'un secrétaire indigène.

Ces protégés ne seront soumis non plus à aucun droit, impôt, ou taxe quelconque, en dehors de ce qui est stipulé aux Articles XII et XIII.

#### ARTICLE IV.

Si un Représentant nomme un sujet du Sultan à un poste d'Agent Consulaire dans une ville de la côte, cet Agent sera respecté et honoré, ainsi que sa famille habitant sous le même toit, laquelle, comme lui-même, ne sera soumise à aucun droit, impôt, ou taxe quelconque en dehors de ce qui est stipulé aux Articles XII et XIII, mais il n'aura pas le droit de protéger d'autres sujets du Sultan en dehors de sa famille.

Il pourra, toutefois, pour l'exercice de ses fonctions, avoir un soldat protégé.

Les gérants des Vice-Consulats, sujets du Sultan, jouiront pendant l'exercice de leurs fonctions des mêmes droits que les Agents Consulaires sujets du Sultan.

#### ARTICLE V.

Le Gouvernement Marocain reconnaît aux Ministres, Chargés d'Affaires, et autres Représentants le droit, qui leur est accordé par les Traités, de choisir les personnes, qui

s'en placent, soit à leur service personnel, soit à celui de leurs Gouvernements, à moins toutefois que ce ne soient des Chérifs ou autres employés du Gouvernement Marocain, tels que les soldats de ligne ou de cavalerie, en dehors des magasins préposés à leur garde. De même ils ne pourront employer aucun sujet Marocain sous le coup de poursuites.

Il reste entendu que les procès civils engagés avant la protection se termineront devant les Tribunaux qui en auront eutane la procédure. L'exécution de la sentence ne rencontrera pas d'empêchement. Toutefois l'autorité locale Marocaine aura soin de communiquer immédiatement la sentence rendue à la Légation, Consulat, ou Agence Consulaire dont relève le protégé.

Quant aux ex-protégés qui auraient un procès commencé avant que la protection eût cessé pour eux, leur affaire sera jugée par le Tribunal, qui en était saisi.

Le droit de protection ne pourra être exercé à l'égard des personnes poursuivies pour un délit ou un crime avant qu'elles n'aient été jugées par les autorités du pays, et qu'elles n'aient, s'il y a lieu, accompli leur peine.

#### ARTICLE VI.

La protection s'étend sur la famille du protégé. Sa demeure est respectée.

Il est entendu que la famille ne comprend que de la femme, des enfants, et des parents mineurs, qui habitent sous le même toit.

La protection n'est pas héréditaire. Une seule exception, déjà établie par la Convention de 1863, et qui ne saurait créer un précédent, est maintenue en faveur de la famille Benchemol.

Cependant, si le Sultan du Maroc accordait une autre exception, chacun des Puissances Contractantes aurait le droit de réclamer une concession semblable.

#### ARTICLE VII.

Les Représentants étrangers informeront par écrit le Ministre des Affaires Étrangères du Sultan du Maroc de tout acte de violence ou de vexation.

Les consuls ne pourront pas nommer de Ministre ou de Secrétaire des personnes qui ne protègent ou qui ne sont protégées par des Agences dans les États du Sultan du Maroc.

Cette liste sera transmise aux autorités locales, qui ne considéreront comme protégés que ceux qui y sont inscrits.

#### ARTICLE VIII.

Les Agents Consulaires remettront chaque année à l'autorité du pays qu'ils habitent une liste, revêtue de leur signature, des personnes qu'ils protègent. Cette autorité la transmettra au Ministre des Affaires Étrangères du Maroc, si elle n'est pas conforme aux Réglements, les Représentants à Tanger, et son d'Alger.

L'Officier Consulaire sera tenu d'annoncer immédiatement les changements survenus dans le personnel protégé de son Consulat.

#### ARTICLE IX.

Les domestiques, fermiers, et autres employés indigènes des secrétaires et interprètes ne peuvent pas de la protection. Il en est de même pour les employés ou domestiques Marocains des sujets étrangers.

Toutefois les autorités locales ne pourront arrêter un employé ou domestique d'un fonctionnaire indigène au service d'une Légation ou d'un Consulat, ou d'un sujet ou protégé étranger, sans en avoir prévenu l'autorité dont il dépend.

Si un sujet Marocain au service d'un sujet étranger venait à tuer quelqu'un, à le blesser, ou à voler son domicile, il serait immédiatement arrêté, dans l'autorité diplomatique ou Consulaire sous laquelle il est placé serait avisée sans retard.

#### ARTICLE X.

Il n'est rien changé à la situation des censaux telle qu'elle a été établie par les Traités et par la Convention de 1863, sauf ce qui est stipulé relativement aux impôts dans les Articles suivants.

#### ARTICLE XI.

Le droit de propriété au Maroc est reconnu pour tous les étrangers. L'achat de propriétés devra être effectué avec le consentement préalable du Gouverneur.



ment, et les titres de ces propriétés seront soumis aux formes prescrites par les lois du pays.

Toute question qui pourrait surgir sur ce droit sera décidée d'après ces mêmes lois, avec l'appel au Ministre des Affaires Étrangères stipulé dans les Traités.

#### ARTICLE XII

Les étrangers et les protégés propriétaires ou locataires de terrains cultivés, ainsi que les censeaux adonnés à l'agriculture, paieront l'impôt agricole. Ils remettront chaque année à leur Consul la note exacte de ce qu'ils possèdent, ou acquittant entre ses mains le montant de l'impôt.

Celui qui fera une fausse déclaration paiera, à titre d'amende, le double de l'impôt qu'il aurait dû régulièrement verser pour les biens non déclarés. En cas de récidive cette amende sera doublée.

La nature, le mode, la date, et la quotité de cet impôt seront l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Étrangères de Sa Majesté Shérifienne.

#### ARTICLE XIII

Les étrangers, les protégés, et les censeaux propriétaires de bêtes de somme paieront la taxe dite des portes. La quotité et le mode de perception de cette taxe, commune aux étrangers et aux indigènes, seront également l'objet d'un Règlement spécial entre les Représentants des Puissances et le Ministre des Affaires Étrangères de Sa Majesté Shérifienne.

La dite taxe ne pourra être augmentée sans un nouvel accord avec les Représentants des Puissances.

#### ARTICLE XIV

La médiation des interprètes, secrétaires indigènes, ou soldats des différentes Légations ou Consuls, lorsqu'il s'agit de personnes non placées sous la protection de la Légation ou du Consulat, ne sera mise en usage qu'autant qu'ils seront porteurs d'un document signé par le Chef de Mission ou par l'autorité Consulaire.

#### ARTICLE XV

Tout sujet Marocain naturalisé à l'étranger, qui reviendra au Maroc, devra, après un temps de séjour égal à celui qui lui aura été régulièrement nécessaire pour obtenir la naturalisation, opter entre sa soumission entière aux lois de l'Empire et l'autorisation de quitter le Maroc, à moins qu'il ne soit constaté que la naturalisation étrangère a été obtenue avec l'assentiment du Gouvernement Marocain.

La naturalisation étrangère acquise jusqu'à ce jour par des sujets Marocains suivant les Règles établies par les lois de chaque pays leur est maintenue pour tous ses effets, sans restriction aucune.

#### ARTICLE XVI

Aucune protection irrégulière ni officieuse ne pourra être accordée à l'avenir. Les autorités Marocaines ne reconnaîtront jamais d'autres protections, que ce que soit leur nature, que celles qui sont expressément arrêtées dans cette Convention.

Cependant, l'exercice du droit consuetudinaire de protection sera réservé aux seuls cas où il s'agirait de récompenser des services signalés rendus par un Marocain à une Puissance étrangère, ou pour d'autres motifs tout à fait exceptionnels. La nature des services et l'intention de les récompenser par la protection seront préalablement notifiées au Ministre des Affaires Étrangères à Tanger, afin qu'il puisse au besoin présenter ses observations, la résolution définitive restant néanmoins réservée au Gouvernement auquel le service aura été rendu. Le nombre de ces protégés ne pourra dépasser celui de douze par Puissance, qui reste fixé comme maximum, à moins d'obtenir l'assentiment du Sultan.

La situation des protégés qui ont obtenu la protection en vertu de la coutume désormais réglée par la présente disposition sera, sans limitation de nombre pour les protégés actuels de cette catégorie, identique, pour eux et pour leurs familles, à celle qui est établie pour les autres protégés.

#### ARTICLE XVII

Le droit au traitement de la nation la plus favorisée est reconnu par le Maroc à toutes les Puissances représentées à la Conférence de Madrid.

#### ARTICLE XVIII.

La présente Convention sera ratifiée. Les ratifications seront échangées à Tanger dans le plus bref délai possible.

Par consentement exceptionnel des Hautes Parties Contractantes, les dispositions de la présente Convention entreront en vigueur à partir du jour de la signature à Madrid.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Madrid, en treize exemplaires, le 3 Juillet, 1880.

(L.S.)

G. GREPPI.  
F. DE SOLMS.  
E. LUDOLF  
ANSPACH.  
A. CANOVAS DEL CASTILLO.  
LUCIUS FAIRCHILD.  
JAURES.  
L. SACKVILLE WEST.  
TALEB SID MOHAMMED VARGAS.  
HELDI WIER.  
CASAL RIBEIRO.  
AKERMAN.

Incilosure (C).

*Regulations of August 19, 1863.—Rules for Consular Protection.*

(Translation.)

Protection is individual and temporary. It cannot be granted, as a general rule, to the relations of the protected individual, but may be to his family (wife and children) living under the same roof with him.

Protection is at most for life, and never hereditary.

The protected subjects are divided into two classes:—

The first category includes the natives employed by the Agency and Consulate-General and by the different Italian Consular authorities.

The second category includes the native stewards, brokers, or agents who are employed by Italian merchants for their commercial business.

It is advisable to observe on this point that the character of merchant is only recognized in those who carry on a wholesale export and import trade, either in their own name or by commission.

The number of the native agents who enjoy Italian protection is limited to two for every commercial house. In exceptional cases the commercial houses who have establishments in different places may have two agents in each establishment, who for that reason, will be entitled to Italian protection.

Italian protection is not granted to natives employed by Italians in agricultural work; but, notwithstanding this, in consideration of the existing state of affairs and by consent of the Moroccan authorities the benefit of the protection granted up to now to the *maridras* who fall under the preceding category will continue for two months from the 1st September next.

It must be clearly understood that the agricultural labourers, herdsmen, or other native peasants in Italian service cannot be prosecuted in a Court of Law without the competent Consular authorities being immediately informed of it, so that they should protect the interests of their own countrymen.

A list of all the protected persons shall be given by each Consulate to the authorities of the place, who will also receive a notification of any modifications which may possibly be made in the original list.

Every protected subject shall be furnished with a paper giving his name and showing the nature of the services which secure him this privilege in Italian and Arabic.

All these certificates of protection shall be issued at the Agency and Consulate-General at Tanger.

Tangier, August 19, 1863.

FC. 463/61

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## Inclosure (D).

Draft Convention drawn up by the Ministers of France and Spain.

Proposed Amendments to the Convention of 1880.

Article I. Nous entendons que la protection ne doit pas exempter les protégés de la Jurisdiction Marocaine, car ce droit serait contraire à un autre antérieur et inaliénable de Souveraineté. Et du reste les Traités entre le Gouvernement Marocain et les Puissances, ainsi que les Traités mentionnés dans cet Article I, ne stipulent pas que la protection soustrait les protégés à la juridiction de leur pays d'origine.

Art. II. Maintenu.

Art. III. Maintenu pourvu qu'on prévienne l'Agent Consulaire en cas de poursuite.

Art. IV. Pourvu qu'il soit autorisé par le Sultan. Dans cet Article comme dans les Articles précédents il est entendu que les employés, qui relèvent de l'Agent Consulaire, ne pourront être poursuivis qu'après en avoir averti l'Agent.

Art. V, VI, VII, VIII, et IX. Maintenus dans le sens indiqué dans l'Article I.

Art. X. Le censeal n'est protégé que dans le sens de la protection donnée à ceux qui relèvent du service d'une mission étrangère ou d'un Consulat ou des sujets étrangers. Le censeal est l'Agent d'une maison de commerce établie au Maroc et qui ne fait pas de commerce pour son propre compte, mais bien pour la maison qui l'accrédite. Donc il est protégé à raison de la protection dont jouit la marchandise étrangère qu'il a en dépôt. Dans ces conditions nul ne sera censeal s'il n'ouvre un registre quoté et paraphé par le Consulat de la nation d'un tel étranger sur lequel il enregistrera les marchandises à lui confiées et leur vente à fur et à mesure. Ce registre pourra être réclamé à toute injonction par le Consul afin d'en vérifier la tenue exacte. Ledit Consul pourra également exiger la production des connaissements d'envoi des marchandises d'Europe et les reçus de la douane indiquant le paiement d'entrée ou de sortie en cas d'exportation de marchandises. Ledit registre aura en outre l'avantage de servir pour le règlement des créances contre des débiteurs de mauvaise foi.

Art. XI. Maintenu.

Art. XII. Maintenu sauf les observations suivantes.

En raison des nombreux abus qui se sont produits dans ces questions de location de terres, culture et élevage de bestiaux, il convient de prendre des mesures pour les empêcher à l'avenir.

Aucune location, aucune Association, ne sera valable si l'acte qui l'établit n'est rédigé dans le bureau d'un Consul ou d'un Agent Consulaire, s'assurant des apports de chacun des associés.

En outre l'acte sera confirmé par devant le Kadi ou l'autorité locale.

Toute Convention entre un Européen et un indigène qui n'aura pas été soumise à cette formalité sera désormais sans valeur devant la justice dont les deux parties contractantes relèvent.

Art. XIII. et XIV. Maintenus.

Art. XV. Suppression de l'Article sur la demande du Sultan, qui veut disposer de la plénitude de ses droits sur ses sujets, quels qu'ils soient. Tout sujet Marocain naturalisé à l'étranger sera libre de jouir à son gré de sa naturalisation autre part qu'au Maroc; mais en remettant le pied dans le Maroc il redeviendra sujet Marocain et soumis exclusivement à l'autorité Marocaine, à moins que le Sultan n'autorise cette naturalisation avec les droits qui en découlent par une lettre patente.

Art. XVI. Conserver le principe de la suppression, mais introduire le chiffre réduit et nominal des personnes qui, en raison des services rendus, pourront obtenir non la protection, mais la naturalisation, comme récompense; et il serait nécessaire, pour éviter les abus à venir, que la désignation définitive soit faite d'accord avec les Plénipotentiaires Marocains dans le cours de la nouvelle Conférence.

No. 148.

Admiralty to Foreign Office.—(Received March 5.)

Sir,

Admiralty, March 3, 1888.

WITH reference to your letter, dated the 23rd February, inclosing copy of a despatch from Her Majesty's Ambassador at Madrid in regard to the Island of Perigil, I am commanded by my Lords Commissioners of the Admiralty to request that you

will state to the Marquis of Salisbury that the inaccuracy in the "Derrotero General del Mediterraneo," vol. 1, p. 142, which states that "the Island of Perigil, or Corral, belongs to Spain and is a dependency of Ceuta," will be pointed out in the first hydrographic notice issued, and the paragraph will be left out in the next edition of the "Mediterranean Pilot."

I am, &amp;c.

(Signed)

EVAN MACGREGOR.

No. 149.

The Marquis of Salisbury to Sir W. K. Green.

(No. 6.)

(Telegraphic)

Foreign Office, March 5, 1888.

SIR C. FORD'S No. 22 and my reply No. 2, Telegraphic.

What Consular officer in Morocco would you recommend as the best Arabic interpreter? Consul at Mogador, Vice-Consul at Rabat, or any other?

No. 150.

The Marquis of Salisbury to Sir W. K. Green.

(No. 25. Ext. 6.)

Sir,

Foreign Office, March 5, 1888.

WITH reference to my despatch No. 22 of the 20th ultimo, I transmit to you the accompanying copy of a despatch from Her Majesty's Ambassador at Madrid in regard to the appointment of an Arabic interpreter to Her Majesty's Embassy for service in connection with the approaching Conference on the protection of natives in Morocco, and I have to request you to furnish me with the name of a person whom you would recommend for the post, whether Mr. Payton, Her Majesty's Consul in Mogador, Mr. Frost, the British Vice-Consul at Rabat, both of whom have been favourably mentioned to me, or any other Consular officer in Morocco.

It is important that Sir C. Ford should have the services of the best interpreter of Arabic that you can recommend.

The substance of the above has been this day communicated to you by telegraph.

I am, &amp;c.

(Signed)

SALISBURY.

No. 151.

The Marquis of Salisbury to Sir W. K. Green.

(No. 26. Confidential.)

Sir,

Foreign Office, March 5, 1888.

I HAVE received your further despatch No. 24 Confidential of the 18th ultimo, in regard to the strained relations subsisting between the Moorish Government and the United States' Consul at Tangier, and I have to convey to you my approval of the advice which you have given in the matter to Mr. Reed Lewis as reported therein.

I am, &amp;c.

(Signed)

SALISBURY.

No. 152.

Messrs. Shuttleworth, Cox, and Co. to the Marquis of Salisbury.—(Received March 5.)

My Lord.

Botolph House, Eastcheap, London, March 1, 1888.

REFERRING to your favour of the 15th January last, we shall be glad to hear if you have yet received a Report from Tangiers with reference to the case of ourselves and Pariente.

We are, &amp;c.

(Signed)

SHUTTLEWORTH, COX, AND CO.

• No. 141

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PUBLIC RECORD OFFICE, LONDON

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 6, 11.15 P.M.)*

(No. 3.)  
(Telegraphic.)

*Tangier, March 6, 1888, 5 P.M.*

YOUR telegram of yesterday  
Vice-Consul Saffi is the most perfect Arabic scholar; but, as it would not be desirable to have at the Conference a person interested in question of protection, I am prepared to forego for a short time services of De Ponthieu, whom I recommend as eligible for this proposed duty.

No. 154.

*Foreign Office to Consul-General Sir R. Playfair.*

(No. 2.)

Sir,

*Foreign Office, March 6, 1888.*

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your despatch No. 1 of the 22nd ultimo, forwarding a despatch from Her Majesty's Consul at Tunis, in which he requests instructions as to the reply which should be given to the renewed application of Mohammed Ben Ayad, General Ben Ayad's nephew, for a British passport, or, failing that, for a certificate that he is under British protection.

I am to state to you that his Lordship concurs in the opinion which you express that it would, under the changed condition of things, be both inconvenient and unnecessary to give the certificate of British protection to Mohammed Ben Ayad, and I am in consequence to direct you to instruct Mr. Sandwith accordingly.

I am, &c.

(Signed) JULIAN PAUNCEFOTE

No. 155.

*Question asked in the House of Commons, March 8, 1888.*

*Sir John Simon.*—To ask the Under-Secretary of State for Foreign Affairs whether the subject of protection in Morocco will be one of the subjects for consideration at the proposed Conference at Madrid, and how is it proposed to deal with it.

Will it be discontinued entirely or only modified?

And, if it is to be discontinued, what will be substituted for it on behalf of those in whose favour it has hitherto existed?

*Answer.*

The request of the Moorish Government for a modification of existing Treaty stipulations in regard to foreign protection will be considered in the approaching Conference.

No preliminary decision has been come to respecting the abolition or modification of such Protectorates, and

No opinion can now be given upon the measures which might be expedient in an altered state of circumstances, until the proposals of the Conference have been made upon the case to be submitted to them.

No. 156.

*The Marquis of Salisbury to Sir W. K. Green.*

(No. 20.)

Sir,

*Foreign Office, March 10, 1888.*

WITH reference to your despatch No. 6, Confidential, of the 10th January, I have to acquaint you that the Lords Commissioners of the Admiralty, to whom your despatch was referred, informed me that the Channel squadron might be retained at Gibraltar for

*Aborigines' Protection Society to the Marquis of Salisbury.—(Received March 7.)*

My Lord,

*Broadway Chambers, Westminster, March 6, 1888.*

I AM desired by the Committee to inclose a copy of a letter which Captain Rolleston, of Tangier, who has taken an active part in the exposure of the cruelties caused by the protégé system in Morocco, has addressed to this Society.

Captain Rolleston states that in numerous cases the privileges enjoyed by British protégés have been grossly abused, and in a separate document he selects five examples of oppression which came under his personal observation. It also appears that, even when the fraudulent nature of the claims set up by British protégés against Moors has been established, the delinquents have suffered no criminal punishment, and we believe that, except in one instance, where a trifling compensation was given, that victims have received no redress.

Captain Rolleston sets forth his views as to the steps necessary to secure the reform of the existing system. The Committee hope that your Lordship will especially attach weight to his suggestions that the time should be limited within which pecuniary claims should be enforced against natives, and that fuller powers should be given to the British Minister and Consul to enable them to deal with British subjects or protégés who are proved to have brought false charges or made false claims against Moorish subjects of the Sultan.

I have &c.  
W. CHESSON, Secretary.

Inclosure 1 in No. 154.

*Captain Rolleston to Aborigines' Protection Society.*

*Spencer House, Spencer Street, Victoria Street,  
Westminster, February 25, 1888.*

Dear Sir,

AS you have asked me for information regarding the alleged acts of oppression perpetrated by British subjects on natives of Morocco, with reference to which Mr. McArthur asked a question in the House of Commons last August, I beg to state that I will endeavour, as far as lies in my power, to comply with your request.

I should first observe that, regarding as I do the system of legal procedure pursued in Morocco as inherently defective, and thus liable to great abuse, I cannot dissuade my intention to cast the slightest imputation on Her Majesty's Representatives in Tangier, either past or present. At the same time, however, I am distinctly of opinion that certain subordinate British officials and subjects have been guilty of gross neglect and acts of shameful oppression committed on native subjects of the Sultan.

In Morocco there is a yearly increasing number of individuals who, though not English in origin or by character, are in reality, by law, British subjects on account of having been born under our flag; and these persons thoroughly understand how to take advantage of every point and quibble by which they can shelter themselves under their nationality. On the other hand, there is not the full machinery of English law for the punishment of crime in Morocco which exists in the British Isles or the Colonies; nor is there even the restraint of a healthy public opinion, and, consequently, the British Minister must find himself at times unable to check certain evils which he must deplore, but which will continue until the necessary reforms are introduced. I should also say that, in making the following statement, I venture to suggest some remedies which, if put in force, would, I firmly believe, prove efficacious.

Nothing could be more loose or anomalous than the system by which, up to the present time, pecuniary claims presented by foreigners resident in Morocco were enforced against natives of the country. Many of the European traders in the coast towns are persons, both morally and socially, of a very low class, and it has been heretofore customary for them to demand payment of alleged trading debts through their respective Consuls, who forward the claims to the Moorish authorities for investigation. The native officials are venal and incapable, and matters are further complicated by the fact that the Consular Courts have no jurisdiction over the Sultan's subjects, and native Courts have no jurisdiction over foreigners.

Certain facts which I now propose to lay before you will, I trust, fully explain the evil working of the system.

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About six years ago the English, French, Italian, and American Representatives requested the Moorish Sultan to take steps to have outstanding pecuniary claims of their respective subjects settled; and His Sherrefian Majesty having agreed to do so, all persons preferring claims against natives were requested to forward to the claimants' Consuls at Tangier any documents on which such demands were based. These documents were forwarded by the Consuls to a Committee of Europeans and natives, the latter appointed to examine the legality of the papers submitted to them; but, as the investigation was most inefficient and incomplete. The natives were not confronted with the claimants, and the former were given no opportunity of proving, or even denying the debt. The native Committee appears to have merely looked at the documents, and such as were signed by two notaries and attested by the chief or native Magistrate, were accepted as valid and sent on to the British Consuls. It is hardly to be expected that the supposed debtors should be brought forward to the British Consuls, or that the British districts with orders that the same should be brought forward, or that the British districts should be ordered to bring forward the debtors, or even to bring forward the debtors.

In the summer of 1884 I received a report from Tangier that shocking cruelties were being perpetrated through the influence of British claims, and having learnt that these acts took place chiefly, though not exclusively, at Dar-al-Baida, a town on the coast, I repaired there to ascertain the truth. I soon found that on claims which had been preferred by British subjects or protégés arrests were being made wholesale, that wretched natives were not only crowded with Moorish persons (i.e., without the slightest form of trial, but were also subjected to barbarous ill-usage. In some cases men were imprisoned who, it was afterwards proved, had never owed anything. Several persons were arrested on claims the whole or part of which had been settled, yet the claimants were refused again, and alleged debts of several years standing were brought forward, complaints were made that men were cast in prison on account of debts which have been owed by relations who had died or left the country, and it soon became apparent that the most shameful extortion was being practised. I was daily harassed by a host of persons who implored me to endeavour to procure the release of their relations, and the cases which were brought before me I secured a few of which I enclose copies, and which I fear must be taken as sample of a great many others.

On replying to the prison I found a disgusting, filthy condition; several of the prisoners had heavy iron fetters on their legs, and I found that every night they were confined in a stone-built dungeon, where they were chained by their necks, they were chained together, and the place was most insupportable. The place was most insupportable. The prisoners were left from sunset until morning in this dark abode, overcome with heat and stench, devoured by vermin, and chained together. The dungeon appeared to be unprovided with any place for necessary purposes. The supply of food was utterly inadequate, and I was told that water for drinking could only be procured by those who could purchase it. Food was supplied by the relatives of the prisoners; those who had none to feed them or could not afford to buy food and water lived on the charity of their fellow-prisoners; and if information I have received is correct, in at least one of the prisons of the interior, that of Mequinez, some prisoners on British claims have actually died of starvation and the unwholesome conditions to which they were subjected. I had no means of ascertaining the death-rates of the Dar-al-Baida prison in particular, but that of Moorish prisons in general is very high, the cause of death being misery and starvation.

The alleged debtors seemed to me to be for the most part petty tradesmen, farmers-cultivating small pieces of ground, and artisans; yet these men had been, without warning, taken away from their humble homes, their wives and families, and without the semblance of a trial thrust into such a prison, there to endure the brutal treatment I have described above, and there to remain until the claims brought against them by British subjects were satisfied, or until death released the unfortunate wretches from their suffering.

In order to arrest such a course of manifest injustice and oppression which I saw was in progress on my return to Tangier I laid the entire matter before Sir John Drummond Hay, the English Representative, who, having reported it to the Foreign Office, received direct orders to institute an official inquiry. The investigation was held by Mr. Peyton, the British Consul at Mequinez, who reported to Dar-al-Baida for the purpose, and the examination lasted several days. I was present during part of the time, but was not furnished with a copy of Mr. Peyton's Report, which was forwarded

to the British Consulate at Tangier, and subsequently to the Foreign Office. From circumstances, however, which came to my knowledge, together with evidence elicited by Mr. Peyton, I consider that the following lamentable facts are distinctly proved:—

1. That on British claims, and without trial, persons were imprisoned who had never owed anything to the claimants.

2. That persons were imprisoned on account of debts, the whole or part of which had long before been paid.

3. That untried prisoners on British claims were dying of slow starvation in Moorish prisons.

4. That when it was discovered that a man had been imprisoned on a British claim, the whole or part of which had been already paid, it was the unfortunate, untried prisoner, and not the British subject preferring such a claim, who was obliged to pay "lockers" (arrest and prison charges), frequently amounting to considerable sums.

5. That a woman was imprisoned with iron fetters on her legs, because a British subject had brought a claim against her husband, who had run away to avoid arrest.

6. That men were chained up at night in unwholesome dungeons on British claims founded on *ex parte* statements, the alleged debtors not having been tried or confronted with the claimants.

7. That on British claims of the nature, men chained together and with iron collars were removed from their native towns to Mequinez prison.

8. That the system in vogue opens the door to an immense amount of extortion, and that such extortion has been practised to a large extent by British subjects.

As at the time of the official investigation I was correspondent on the subject of Morocco with the London "Globe," I wrote a series of articles entitled "To-day in Morocco," which were published on the 10th, 11th, and 12th July, 1884. In consequence of statements therein questions were asked in the House of Commons by Mr. Corbet, M.P., and some inquiry Lord E. Fitzmaurice ordered on the 14th November, 1884, and stated that "Her Majesty's Government have been instructed to insist on a strict adherence to the laws of Morocco, and that no money was paid to the claimants."

In the meantime, I had several interviews with Sir John Drummond Hay, during which I brought to his Excellency's notice certain cases of oppression and cruelty perpetrated on natives and I suggested that he should take steps and look steps to secure the release from prison of several of the victims.

About January or February 1885, while still interesting myself on behalf of natives whom I considered to be oppressed, I received a letter from Sir John Hay, in which he stated that he had written to the Sultan requesting that all persons confined in prisons in the interior on British claims should be sent to the coast towns, in order that the claims against such persons should be investigated, and that a Circular had been issued to the British Consuls on the coast, directing them (the Vice-Consuls) to investigate such cases in the presence of the local native Governor. I understood also from Sir John Hay that these communications had been dispatched about nine months previously. About last June I received information that some natives were still in prison on British claims, and on calling the attention of Sir William Kirby Green to the matter his Excellency discovered that my information was correct. This being the case, I must consider the following questions as they present themselves:—

1. As the rule framed by Sir John Hay was to the effect that insolvent debtors or persons who owed nothing were to be released from prison at once, and the property of persons who were really bankrupt was to be applied to pay debts proved to be owing, and as such rules were obviously framed with the purpose of abolishing the abuse of natives being subjected to the claims of British subjects on account of British claims, how comes it that more than two years after the official communications above alluded to had been made by Sir John Hay, persons were still in prison, and, as I understand, untried on account of British claims?

2. As in November 1884 Lord E. Fitzmaurice stated in the House of Commons that instructions had been issued, preventing a stringent scrutiny into British claims before any were paid, it becomes a question, were the claims against those men who were in prison for debt as late as 1887 investigated, the alleged debtors and creditors being confronted? If not, why were the men detained in prison? But if the investigation had taken place, why were not the rules framed by Sir John Hay acted on by the native Government, which imprisoned men on account of British claims, and kept the men in detention after it appears their release had been demanded?



3. I understand that the total amount of British claims amounts to about 180,000 dollars, and I also understand that up to May 1886 about 40,000 dollars had been collected from alleged debtors; but I would ask if this 40,000 dollars has been paid to the claimants; has each claim been investigated and found correct? Regarding the balance not yet collected, it seems scarcely in accordance with our English ideas of justice that men should remain untried in Moorish prisons on account of claims preferred by British subjects, and which claims investigation might prove were not really due.

4. In cases where it has been discovered that claims of an extortionate or fraudulent nature have been brought by a British subject against natives who have been imprisoned in consequence, why is it that on the real nature of the transaction being discovered it is not the British subject preferring the claim, but the victimized native, who is obliged to pay arrest and detention fees ("sockera")?

5. I understand a rule has been laid down in Morocco that prisoners confined for debt should have an adequate amount of sustenance provided by the alleged creditor. I fear, however, that the rule has not been observed in the case of persons confined on British claims.

6. Have natives been imprisoned, and are any still in prison on account of debts of usury claimed by British subjects or native Jews under British protection?

In cases where British subjects or Consular protégés have preferred false claims against Moorish subjects, in consequence of which such Moors have suffered imprisonment, or died of misery, starvation, or blood-poisoning in Moorish prisons, have legal proceedings been instituted against such subjects, and what Court, if any, is competent to deal with such cases? Also, has any compensation been given to the families of men who have died under such circumstances, and has any compensation been given to men who have been released from prison after having been imprisoned on false claims made by British subjects? I maintain that the evidence embodied in Mr. Peyton's Report, together with that in the statements I enclose in this letter, will afford ample proof that the system under which debts are recovered from natives is radically bad, and that it has been taken advantage of to a lamentable extent. Surely such a system calls loudly for reform, and the more so as not only our national character for honesty and fair dealing suffers severely in Morocco, but also our influence is diminished in a country where for political reasons, it is most desirable we should secure the goodwill and respect of the native population.

Sir John Drummond Hay, the late British Representative, and Sir Kirby Green, our present Minister, have both been active in combating many of the abuses which have grown up in Morocco, therefore it must be supposed that, if abuses still continue, there is something extremely faulty in the system which regulates this transaction between British subjects and natives of the Moorish Empire.

I fully believe that no persons have been imprisoned at Sir Kirby Green's request for debts supposed to be owing to British subjects, but I happen to know that the Moorish authorities have detained men in prison on British claims without his Excellency's knowledge. I am also aware that British subjects or protégés residing at a distance from Tangier have been, and possibly still are, in the habit of bringing forward cases against natives without any reference to the British authorities in Tangier or to the English Vice-Consuls in whose districts the said British subjects may reside. This practice has led to great abuse, and I can cite some cases of brutal corporal punishment having been inflicted on natives at the direct request of a native petty official serving in an English Vice-Consular Court.

Having myself resided for several years in Morocco, and having had opportunities of witnessing the disastrous effect of the present system, owing to which foreigners and protégés are enabled to oppress the native population, I would venture to make the following suggestions:

1. That no native should be imprisoned for debt or on any charge brought by a British subject without first being confronted with the claimant or accuser, or the representative of such.

2. That the native Kaida or Governor should be prohibited from hearing complaints against natives unless the suit is forwarded through the British Consulate or Vice-Consulate.

3. That in case of imprisonment or any other punishment being inflicted on a native at the suit of a British subject or protégé, a distinct statement of the case should be forwarded to the British Legation at Tangier.

4. That there should be a limitation as to the time within which pecuniary claims should be enforced against natives.

I am informed the Italian Legation has recently fixed the limit at twelve months, but I have known natives imprisoned on old British claims of several years' standing.

5. That fuller powers should be given to the British Minister and Consul to enable them to deal with British subjects guilty of misconduct, and that a cheap and summary process of law should be established at Tangier by which natives should be able to obtain redress against British subjects guilty of cruelty, fraud, or extortion.

6. That periodical lists should be prepared at the English Consulate showing the names of British creditors or natives under Consular protection who recover money from natives; also the names of the native debtors, and the amounts recovered; and that copies of such lists should be published or supplied to the public on payment of a moderate fee.

A list exists in the English Consulate showing the names of British claimants, the sums claimed, and the names of the alleged debtors. Were a copy of this list called for by the Foreign Office, I consider much light would be thrown on the real nature of British claims, and especially if a list were also called for showing the number and names of those natives who had suffered imprisonment, and of those who had died in prison on account of such demands.

The employment of native Jews as interpreters on mere nominal salaries leads to great and obvious abuse. The native interpreters in Tangier and down the coast are connected with each other by marriage, and thus a network of family ties exists which not only enables these functionaries as a body to play into each other's hands, but affords a strong motive for their doing so.

It is a fact that the native Jewish interpreters are often credited with having the real conduct of the affairs of certain Legations or Consulates, and I am myself aware of several instances in which the above irregularity undoubtedly took place, very much to the prejudice of the good name of the nation represented. I may mention that so thorough is this evil recognized that the employment of native interpreters is strictly prohibited in the German and Spanish Legations at Tangier.

I should wish to cite one case to illustrate the consequences of employing native Jews as subordinate officials without salary. When the English claims were sent in, amongst them appeared those of a Barbary Jew named Arahah ben-Gidon, *alias* Benshimol, and I understand they amounted to some thousands of dollars, although I have never been able to ascertain the exact amount. This man occupied at the time, or subsequently, the position of interpreter at Dar-al-Baida, yet he was absolutely unacquainted with English, Spanish, or, as far as I know, with any European language, his linguistic knowledge being confined, I believe, to Arabic and, possibly, Hebrew. Were the English claim list, to which I have alluded above as being in the English Consulate, called for, the precise sum representing this man's claims, and which were passed as valid by the Mixed Commission, could be discovered, as well as the names of the parties against whom the claims were made. It might also be possible to ascertain how many individuals have been imprisoned without trial on the British claims of the English-protected native Jew Arahah ben-Gidon, *alias* Benshimol; in what particular languages and with reference to what transactions this man interpreted, and what was the nature of the *quid pro quo* he received for his unpaid services. A Moor named Hachem-Ahmed compared to me that he had been imprisoned in Morocco with iron fetters on his legs at the suit of the above-mentioned Jew, who, I am aware, held an official appointment at the time the Moor was actually in prison.

I have given in the foregoing statement, to the best of my ability, a detailed account of certain abuses which exist in Morocco, and which are carried on under foreign flags. I regret very much to say that British subjects or protégés, owing to the present unsatisfactory state of the law, find it only too easy to perpetrate cruelties and acts of oppression which have seriously injured our reputation for justice and humanity.

The British Minister, Sir Kirby Green, would, I believe, thoroughly indorse the observations I have made above were the question laid before him, and I have the fullest confidence in his judgment and ability. I would also say that Mr. White, the English Consul at Tangier, and Mr. Hunter, the Vice-Consul at Dar-al-Baida, are, I am aware, strenuously opposed to the abuses on which I have dwelt, and as these gentlemen have had an experience of Morocco extending over several years, their evidence as to measures of possible reform would be extremely valuable.

I remain, &c.  
(Signed) CHARLES ROLLESTON

## Inclosure 2 in No. 154\*

## British Claim No. 1.

ELARBI BEN-ABDUL AZIZ states:—

"About five months ago I was arrested and brought before the Kaïd, who told me I must pay 800 dollars which was claimed against me by a British subject whom he named. I said I owed nothing to the person in question, and never had any commercial dealings with him. I was then sent to prison. Towards evening I was chained to ten other men; we had iron collars round our necks and an iron chain connected each collar, six of the men had heavy iron fetters on besides. The eleven men forming the group in which I was were all in prison on account of claims made by the same British subject; other men in prison on account of debts, together with robbers and murderers, were also chained in groups of eight or ten. We were led down into a dark, stone-built dungeon, the doors of which were shut, and we were left in the dark. The heat was dreadful. There were two small barred apertures in the roof, which openings gave the only ventilation, and the place was swarming with bugs and fleas; for hours we could not sleep on account of the vermin. We could not get free from each other for any purpose during the night, and there was no place for necessary purposes in the dungeon. Owing to the number of people being crowded together under such conditions the stench was frightful, yet from the evening until 8 or 10 in the morning we were confined there. After a few days I was no longer chained up at night in the dungeon, but was left with a few others in the court-yard. For more than a month I was kept in prison, but one day I was told I might go. I was informed that the correspondent of some English newspaper wrote about my case to the person who made the claim against me, and that was why he let me go."

It was subsequently proved by official investigation held at Dar-el-Baida that the man who, in consequence of a British claim, underwent the above brutal treatment, did not owe the sum or any portion of the sum claimed against him.

## Inclosure 3 in No. 154\*

## British Claim No. 2

FAYEE BENT-EL-HADI ZAHRA, a young Mahomedan woman, states:—

"A trader, now residing at Mazagan, had commercial relations with my brother, El Hadj-el-Hessen, up to the time of the death of the latter about four years ago. Another brother, named Ali Ould-el-Hadj Sennaise, was arrested and brought before the Kaïd, who told him he must pay some money, I do not how much, to Mr. —, as he said my brother who died owned that sum at his decease. As my brother Ali is very poor, he can barely maintain himself by carrying goods at the Custom-house. He is married and has two young children. My brother said he did not owe the money, and had nothing to do with the debts of his brother who died, also that he had no money to pay the debt, but he has been imprisoned and sent to Mequinez Prison. He was taken away from this with another prisoner, also a debtor. They had each an iron collar round their necks, and an iron chain by which they were fastened to each other. They were brought through the streets in this way, and their present fate is a mystery."

The above was related to me in the autumn of 1884.

I communicated to Mr. Hunter, the British Vice-Consul at Dar-el-Baida, relative to the above case, and that gentleman, after considerable trouble, succeeded in tracing the man and procuring his release. I have not been able to ascertain how long the man was imprisoned, but I think the period was about eighteen months. I have every reason to believe the story told by the prisoner's sister is true, and if so Ali Ould-el-Hadj Sennaise was imprisoned on account of a British claim he did not owe, and which was only said to have been owed by his brother several years before. I have never heard that Ali received any compensation. The English prestige and reputation is being seriously injured in Morocco by occurrences of the above nature.

## Inclosure 4 in No. 154\*

## British Claim No. 3.

SI-EL-MELOODI BEN MAHAMED states:—

"About sixteen days ago I was sent for by the Kaïd, and he told me that my brother-in-law owed an English subject a sum of 18 dollars, and that as my brother-in-law had escaped to Oran, in French territory, I must pay the money. I had got no money to pay, and did not owe the money. I was then put in prison, irons were put on my legs, I was chained to four other men by means of an iron chain which passed through iron collars round our necks. After three days the iron collar and chain were taken off but the irons were kept on my legs. My brother-in-law deposited after fifteen days, 18 dollars' worth of silver bracelets and ankle-rings belonging to my sister and I was then allowed to go free. I had never gone security for my brother-in-law, and never owed the money. At night we were put into a cellar where the prisoners were chained together. Between the heat, the bugs, and the fleas, it was as if we were sleeping on a fire. I have a wife and two children. I left prison yesterday, the 30th May."

I can so far corroborate this man's story that the day he was released from prison I saw the heavy iron fetters taken off his legs, and also saw his sister's silver bracelets and ankle-rings deposited with the Kaïd.

## Inclosure 5 in No. 154\*

## British Claim No. 4.

SAADIA, the wife of Solomon-el-Mush Ali, states:—

"About six years ago my son, a lad of about 18 years of age, was employed by an English functionary in mercantile affairs. Two years ago my son left Casablanca and went to Oran, where he is now. About fifteen days ago my husband was summoned before the Kaïd, the English official was also there. My husband was told to pay 190 dollars, because the official said that he was owed that sum by my son when he went away, and if my husband did not pay he must go to prison. My husband is very poor, we even suffer from hunger, and he could not pay, so he is now in prison. We are six in family, my husband maintains all. Our family consists of my husband, myself and my daughter (a widow with one child), and three of my own children. May 31, 1884."

## Inclosure 6 in No. 154\*

## British Claim No. 5

RACHMA BENTZ-EL-HEZEEN, del, del, states:—

"About eight years ago my husband, named Mucuddam Bushah-bel-Arbi, was employed by an English subject in buying wood in Casablanca. About six years ago the employer died. After that my husband worked in the same manner with a relative of the deceased. For some time all connection has ceased, but about one month ago my husband was called upon to pay 30 dollars in consequence of some document which dates from the time of the first employer. My husband was not able to pay, and we have nothing which we can sell to pay the same, so he was put in prison. The document was sent to Tangier to be examined, and it has been decided that my husband must pay the demand. If he cannot do so in six days he is to go to Mequinez. He has no one to support him there, so he must die of starvation. I have five children, all little girls, and work to support them.—May 31, 1884."

The woman who narrated this sad story was evidently extremely poor, and she fairly cried as she spoke of her husband dying of starvation in the prison of Mequinez. Hearing that the British subject who claimed the 30 dollars was in Casablanca I called on him at once, and made an arrangement which enabled me in a few hours to restore the untried prisoner, Mucuddam Bushah-bel-Arbi, to liberty and to his family.

the purpose of visiting Tangier, as suggested by you, provided that the squadron left that place not later than the 3rd April.

On receipt of your telegram of the 19th ultimo, with the substance of which their Lordships were also made acquainted, they informed me that, in view of the uncertainty of the Sultan of Morocco's visit to Tangier, it will not be possible to detain the Channel squadron at Gibraltar, as it is necessary that the ships should be at their several home ports by the 10th April.

Your suggestion can, however, be further considered when more precise information can be obtained as to the date of the Sultan's visit.

I am, &c.  
(Signed) SALISBURY.

No. 157.

*Mr. J. G. Kennedy to the Marquis of Salisbury.—(Received March 12.)*

(No. 50. Confidential.)

Rome, February 28, 1888.

My Lord,

I HAVE the honour to report the presence in Rome, for a week past, of the Moorish Embassy to the Pope.

The Mission is composed of the Moorish Minister for Foreign Affairs, with three Secretaries, and a Spanish Franciscan friar as interpreter.

Hitherto the Mission has confined its visits to the Vatican and to the Spanish Embassy to the Pope.

I inquired of Signor Crispi whether he knew anything in regard to the object of the Mission. His Excellency replied to the effect that he knew nothing and cared less; the fact being that his Excellency is much annoyed, because the Chief of the Mission, although Moorish Minister for Foreign Affairs, has not made any attempt to pay his respects either at the Quirinal or at the Consulta (Foreign Office).

The Spanish Ambassador also complained to me that neither the Chief of the Mission nor the interpreter, who had served under Count Rascon himself in Spain, had found time to call at the Spanish Embassy to the Quirinal.

Count Rascon appeared to think that there was some foundation for the report that the Moorish Mission was seeking to obtain French benevolence towards Morocco through Papal influence. Apparently, however, the Moors are completely under Spanish influence, having travelled to Naples in a Spanish man-of-war, and being here entertained and controlled by the Spanish Ambassador to the Vatican.

The presents for the Pope brought by the Mission are said to be very rich.

I have, &c.  
(Signed) J. G. KENNEDY.

P.S.—Since writing the foregoing, I have learnt that the French Ambassador to the Vatican is much annoyed by the exclusive patronage of the Moorish Mission by Spain. He declares that the Mission was arranged in Rome between the Vatican and the Spanish Ambassador.

I am also informed that Spanish influence predominates at the Vatican, and is supported by the Cardinal Secretary of State, who was for many years Papal Nuncio at Madrid.

J. G. K.

No. 158.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 12.)*

(No. 25.)

Tangier, March 2, 1888.

My Lord,

I HAD the honour on the 28th ultimo of stating, in reply to your Lordship's telegraphic inquiries of the same day regarding the case of the widow Attias, that Mr. Consul White was endeavouring to obtain redress through the Spanish Consul for the violation of a British domicile.

I have now the honour, in compliance with your Lordship's instructions, to furnish your Lordship herein with a detailed Report concerning the alleged forcible

abduction of the boy Guillermo de Celis from the house of Gimol Attias, in the shape of a Memorandum prepared at my request, by Mr. White.

In discussing the matter this afternoon with Señor Diosdado, the Spanish Minister, he informed me that he had no power whatever to interfere in such matters with the action of the Spanish Consul, but he expressed to me his individual conviction that the Consul was acting properly in refusing to return Guillermo de Celis to the custody of the Widow Attias, though the process of withdrawing the boy from that custody may have been illegal.

I trust that Señor Diosdado's belief that the end justifies the means will not, in this instance, be supported by the Spanish Government, and that it will not be found impossible to cause the Spanish Consul to annul a precedent which, if allowed to stand, would stamp with disorder and violence the judicial intercourse of all the Consular authorities in this Empire.

I have, &c.  
(Signed) W. KIRBY GREEN.

**Inclosure 1 in No. 158.**

*Consul White to Sir W. K. Green.*

Sir,

*Tangier, March 2, 1888.*

IN accordance with your directions, I have prepared a Memorandum regarding the alleged forcible abduction of the boy Guillermo de Celis from the house of Gimol Attias.

This Memorandum I have the honor to inclose herewith, together with copies and translations of some of the letters that have passed between the Spanish Consul and myself in connection with this matter.

I have not thought it necessary to trouble you with all the correspondence, but merely inclose the more important documents so as to avoid the delay that would be occasioned by copying the whole.

I have, &c.  
(Signed) HERBERT E. WHITE.

**Inclosure 2 in No. 158.**

*Memorandum on the forcible Abduction of Guillermo de Celis from the House of the British Subject Gimol Attias.*

ACCORDING to an entry in the Register of Baptisms of the Roman Catholic Church at the Spanish town of Lina de la Concepcion, Guillermo de Celis was born there on the 18th November, 1873, his mother being a spinster named Antonia de Celis, and no mention being made of the father.

Antonia de Celis seems generally to be known by the name of Catalina de Celis, and Abraham Attias, a Jew of Gibraltar, is the reputed father of the boy.

About a year or so after the birth of Guillermo Abraham Attias went to America where he still resides, though he has visited Tangier during that period. He was in the habit of sending Catalina de Celis money for the maintenance of the boy till about the year 1880, when he received a letter from a brother of Catalina de Celis recommending him to remove the boy from her custody, as she was leading an irregular life and bringing him up badly.

Catalina de Celis also wrote to Abraham Attias a letter which is now in the possession of Gimol Attias, saying that, unless he made provision for the boy, she would abandon him, or place him in a foundling hospital. After some correspondence she voluntarily delivered the boy to Joseph Attias, a brother of Abraham Attias residing at Gibraltar to be sent to another brother at Tangier, named Benjamin Attias.

Benjamin Attias, who died about three years ago, and his wife Gimol kept the boy, and brought him up as their son, he embracing the Hebrew faith and taking the name of Rafael. Nothing further was heard of the mother till last summer, when during my absence on leave, she, having since married a Spaniard named José Morán, came to Tangier and claimed to have the boy restored to her custody.

Mr. de Vismes de Ponthieu, then Acting British Consul, had an interview with Gimol Attias and the boy, and, on seeing the dread with which the boy contemplated being separated from Gimol Attias and given up to his mother, informed the Spanish Vice-Consul that he could make no order without first hearing the case in due form.

the Spanish Vice-Consul replying that he could do nothing until the return of the Spanish Consul, then absent from Tangier, the affair dropped, and Catalina de Celis returned to Spain.

On the 10th February the Spanish Consul addressed me a letter requesting me to cause Gimol Attias to deliver Guillermo de Celis, now a boy of 14 years, to his mother.

I communicated this request to Gimol Attias, telling her at the same time that at present it was optional for her to do so or not, but that, in the event of her refusing, the mother would probably bring the matter formally before the Consular Court, and any decision that might then be given would have to be obeyed. I also pointed out to her that the boy could in no way be regarded as a British subject, he being the legitimate son of a Spanish woman and born in Spain, the nationality of the reputed father not entering into the question.

I informed the Spanish Consul that I had communicated to Gimol Attias the claim of Catalina de Celis to the custody of her son, but that I could not force her to give up the boy except by an order of the Consular Court which she had requested the case being brought before the Court in due form.

I required Catalina de Celis to file a document submitting to my jurisdiction, and to deposit 100 dollars (about 20*l.*) to meet expenses, in accordance with the instructions contained in the Order in Council of the 10th February, 1875.

I did not feel myself in any way called upon to remove the boy, under the pretext of the removal of the boy against his own will from the custody of the British subject who having seven and a half years had fulfilled the duties of a mother to him, and as being very to a woman who, though she might in fact be his mother, had abandoned and neglected him.

On the afternoon of the 22nd February being informed that some Spaniards were at the house of which a party was being given by Gimol Attias, and that it was feared they might take away the boy by force, I sent the carmen of this Consulate to the house with instructions to afford protection to Gimol Attias, and, if necessary for that purpose, to apply to the Basha or Moorish soldiers to assist her, but she returned reporting that the Spaniards had already left and that there was no necessity for guards.

In consequence of complaints made to me by Gimol Attias, I addressed two letters to the Spanish Consul informing him that threats had been made to remove the boy by force and requesting him to inquire into the matter and take such steps as might be necessary.

The Spanish Consul replied that he had upon inquiry ascertained that the complaints were without ground, and that if Gimol Attias wished to protect her son, she must deposit 100 dollars and submit to his jurisdiction.

I recommended Gimol Attias either to ask some relative to live with her as a protection, or to take the boy and live with some friend or relative. This, however, she declined to do.

I could not spare the only carmen of this Consulate to mount guard at the house, and I feel justified in charging to her Majesty's Government the expense of placing a special soldier there for a short time.

On the 24th February Gimol Attias reported to me that Catalina de Celis, accompanied by her husband and another Spaniard, had broken open her door, assaulted her, and carried away the boy by force.

I immediately addressed a letter to the Spanish Consul requesting him to inquire into the matter, and, since the facts he has stated, to cause the boy to be restored to Gimol Attias and the Spaniards to be severely punished for the violation of domicile.

Just before dispatching this letter I received one from the Spanish Consul requesting me to allow Catalina de Celis to plead in my Court in *forma pauperis*, and hinting that otherwise the Spaniards might take the law into their own hands.

On the evening of the same day, learning that it was the intention of the Spaniards to return to Spain with the boy by a steamer leaving early next morning, I addressed a further letter to the Spanish Consul requesting him to prevent their departure.

On the afternoon of the 25th February (Saturday) the Spanish Consul wrote to give me notice that he had appointed the 27th February at 10 A.M. for hearing the case, and required Gimol Attias to bring a document binding herself to submit to his jurisdiction, and to deposit a sufficient sum to meet expenses.

I pointed out to the Spanish Consul, in reply, that it was impossible for Gimol Attias to comply with these conditions by Monday morning, the Jewish Sabbath and



Sunday intervening, and I requested him to postpone the trial. I also stated, with regard to the conditions, that a great distinction should be made between a civil and a criminal suit, and I explained my reasons for not waiving fees, &c., in favour of Catalina de Celis.

On the 27th February I received a letter from the Spanish Consul in which the 29th was fixed for the hearing, I then called my clerk, whom I sent to inquire that on the 29th he would state what his suit should be deposited by Gimol Attias.

On that day accordingly Gimol Attias presented herself at the Spanish Consulate accompanied by her witnesses. Mr. de Vismes de Portier also attended at my request, and by direction of Her Majesty's Minister, to watch the case.

Mr. de Vismes de Portier informed the Spanish Consul that Gimol Attias appeared solely to press the Spanish subjects for the violation of domicile, assault and forcible abduction of the boy. I then stated the charges he proved, we claimed that the Spaniards should be severely punished and the boy restored to Gimol Attias, Catalina de Celis being then free to claim him in due form through the Consulate.

The Spanish Consul replied that under no circumstances would he cause the boy to be restored to Gimol Attias, and that, as to the charges against the Spaniards, it was not his intention to proceed with them, then Gimol Attias must first deposit 1000 collas, and as to his person, if he did not he would see no more of it.

Seeing that nothing further could be done, Mr. de Vismes de Portier withdrew, and reported to me what had passed.

I then upon addressed a letter to the Spanish Consul reiterating what Mr. de Vismes de Portier had already stated to him, and pointing out that by refusing under any circumstances to restore the boy he was encouraging others to take the law into their own hands, and establish a state of lawlessness in this country. I also requested him to appoint a lawyer to bring the charges.

(Signed)

HERBERT E. WHITE.

Tangier, February 29, 1888.

P.S. March 2 — I annex translation of a letter just received from the Spanish Consul appointing the 6th instant for the hearing of the case, and informing me that the charges brought by Gimol Attias against the Spaniards "I have been shown to be false by the proofs required by this Consulate in legal form." As the Spanish Consul has not yet found the complaint nor any of her witnesses, it must be on the other party's declarations of the accused that he has prejudged the case.

H. E. W.

Inclosure 3 in No. 158.

Vertoute of Baptism

(Translation)

DON JUAN JOSÉ MAC TORRO Y AMENOBAR, Arch-Priest and Curate of the parish of the Immaculate as the only parish of this town, Laredo de la Concepcion, certify that in the 1st Register Book of Baptisms p. 29, the following entry is registered —

No. 11. Catalina de Celis. In this town Laredo de la Concepcion, Bishopric and Province of Cadix, on the 7th January, 1874 — I, Don Manuel Baquero, Presbyter Curate Conductor of this parish of the Immaculate Conception, solemnly baptized Conchita Maria who was born on the 7th November of the preceding year, at 10 o'clock in the morning, in an obscure and natural son of Antonio de Celis, native of Algier, sp. aster, whose maternal grandparents are Pedro de Celis and Maria Rodriguez, natives of Algar, his godfathers being Salvador de Celis and Luisa del Rio, natives of Algar, to whom I gave notice of the spiritual parentage and obligations, and whose witnesses are Juan Alvarez, native of Jimena, and Juan Oporta, native of Tarifa.

"In faith whereof I affixed my signature

(Signed)

"MANUEL BAQUERO."

A true copy of the original —

(Signed)

JUAN J. MAC TORRO.

A true copy of the original

(L.S.)

Fco. LOZANO, Consul.

Laredo de la Concepcion, June 30, 1888.

\* This she had already done. — H. W.

Inclosure 4 in No. 158.

Consul White to Señor Lozano.

Tangier, February 24, 1888.

Sir, GIMOL ATTIAS informs me that this morning Catalina de Celis Gonzalez, accompanied by her husband and a Spaniard named Pedro Muñoz, broke into her house, bursting open the outer door, which was locked and bolted at the time that the two men then went upstairs to her room and carried away thence by force the boy Guillermo de Celis, violently assaulting him and herself as well.

I have the honour to request you should the facts of the case be as Gimol Attias states, to cause the boy to be restored to her and to severely punish the Spaniards for the outrageous violation of the domicile and assault of a British subject.

I need hardly point out that it is important to release the boy at once from Catalina de Celis Gonzalez and her husband, from whom some violence towards the boy is to be feared.

I have, &c.

(Signed)

HERBERT E. WHITE.

Inclosure 5 in No. 158.

Señor Lozano to Consul White

(Translation)

Spanish Consulate, Tangier, February 24, 1888.

With instructions that you may hold and to which your letter of the 23rd instant refers, respecting the subject of present fees from foreign subjects who may apply to your Consulate for justice, should not be of such a stringent and absolute character as to deprive of justice an afflicted mother like the Spanish subject in question, Catalina de Celis, who, owing to poverty is unable to deposit the 500 pesetas which you require of her before she can proceed with her claim for the restitution of her son Guillermo de Celis, a Spanish subject, now retained, and, as it were, sequestered, by the Jewess Gimol Attias, widow of a Jew, native of Gibraltar.

If this were so, this Consulate would, for the necessary reason, have to submit the present case to its Government, in just defence of such natural and legitimate rights as those which the said Spanish subject has been claiming for a long time past.

I have, therefore, to renew my request that without the previous deposit of 500 pesetas, which the said Catalina de Celis is unable to make, owing to her poverty, you will order the restitution to her of her son Guillermo de Celis, now retained, and born at Laredo de la Concepcion, in the Province of Cadix, as per certificate of baptism, legalized copy of which I have already transmitted to you.

With regard to the fresh charge which according to your letter, is preferred by the above-named Jewess, for using language which she alleges was held to her by the Spanish maidservant Trinidad Jimenez, the latter states that, on the contrary, it was from the Jewess that the insults proceeded, on Trinidad begging her, in the name of the disconsolate mother, Catalina de Celis, to restore her son, as in justice she should do, and in order to avoid greater ill-consequences.

The said Jewess can nevertheless present her complaint before this Consulate in due form, first depositing 500 pesetas in my authority if she still insists that the Spanish subject Catalina de Celis should do the same before claiming her legitimate and indisputable rights over her said son. But in that case I have to point out to you, as I have already done on similar occasions, that, considering the poverty of the immense majority of foreigners residing in this town, it would be impossible to administer proper and efficacious justice, thus ordering ourselves moreover, liable to persons perhaps taking the law into their own hands to the serious detriment of that justice and right which we, the authorities to whom their custody is confided, should, at all hazards, uphold.

May God preserve, &c.

(Signed)

Fco. LOZANO

## Inclosure 6 in No. 158.

Consul White to Señor Lozano.

Sir,

Tangier, February 24, 1888.

WITH reference to my letter of this morning regarding the alleged violation of domicile and assault of Gimol Attias by three Spanish subjects, and the forcible abduction of the boy Guillermo de Celis, I think it right to inform you that it is said to be the intention of some or all of the parties accused to escape to Cadix by the steamer leaving to-morrow morning, taking the boy with them.

I trust that you will take steps to prevent the removal of the boy, or departure of any of the persons accused, before a full investigation shall have been made of the matter.

I have, &amp;c.

(Signed) HERBERT E. WHITE.

P.S.—Since writing the above I have received a letter from Gimol Attias, of which I have the honour to inclose a copy.

H. E. W.

## Inclosure 7 in No. 158.

Señor Lozano to Consul White.

(Translation.)

Tangier, February 25, 1888.

FROM the papers made by this Consulate it does not appear that the facts are exact which, according to your letter of the 24th instant, the Jewess Gimol Attias declared to you, alleging that her house had been assaulted by the Spaniards Pedro Muñoz, José Morales, and his wife Catalina de Celis, and the Spanish boy Guillermo forcibly carried away to be delivered to his mother, the said Catalina, native of Algiers, in the Province of Cadix.

The boy now being in the power and tender caresses of his said mother, as she this long time just had been demanding, although in vain, from the said Jewess, and from your Consulate, officially and privately, you can direct the Jewess to present her claim in due form before this Consulate on the 27th instant at 10 A.M., but warning her that she will have to do so under the same conditions which you imposed on the said Spanish woman when she claimed the restitution of her son, i.e., depositing in the Chancery a sum sufficient to meet the judicial fees, and submitting herself by express consent, which you must communicate to me, to the results of the Judgment, as you required of the said mother and of other poor Spaniards who have presented claims against British subjects through me.

This procedure will, as I have already on several occasions stated to you, give rise to serious obstacles to the prompt and upright administration of justice, especially in an exceptional country like this. I, however, shall never be able to reproach myself with not having done all that lay in my power to avoid this, and in harmony with the wishes of the Spanish Government to obtain for its Colony in Morocco a prompt and efficient administration of justice.

May God preserve, &amp;c.

(Signed) FCO. LOZANO.

## Inclosure 8 in No. 158.

Consul White to Señor Lozano.

Sir,

Tangier, February 25, 1888.

I HAVE the honour to acknowledge the receipt of your letters of yesterday and to-day the former having reached me after the boy Guillermo de Celis had already been forcibly removed from the house of the British subject Gimol Attias.

In that letter you state that the rules of this Consulate regarding the collection of judicial fees from foreigners cannot be so stringent as to deprive of her just rights an "afflicted mother, like Catalina de Celis, whose poverty precludes her being able to deposit 500 pesetas."

I beg, however, to remind you that the said Catalina de Celis, to whom you later on refer as a "disconsolate mother," had only herself to blame for her son being in the custody of Gimol Attias, seeing that she herself of her own accord sent her son, then a child of tender years, to Gibraltar to the brother-in-law of Gimol Attias, declaring that she would not maintain him, and that from that time till last summer, a period of seven years, she had not taken the trouble to come and see the boy, or apparently even to inquire after him.

Taking into consideration the above facts, and the evident distress of the boy at the thought of being taken from the care of the woman who had brought him up and treated him as a son, and his dread of being handed over to the mother who had abandoned him, I certainly did not feel myself justified in departing from or relaxing in the smallest degree the established rules of this Consulate in favour of so unnatural a mother, who, moreover, if the justice of her cause was so very evident, could assuredly have been enabled to make the deposit required.

As it appears from your letters that you are under some misconception on the subject, I think it advisable to inform you that, in deciding the amount of deposit to be required, the importance and probable expenses of each individual case are taken into consideration, and a sum named just sufficient to cover all probable expenses. A distinction is also made between civil suits and criminal cases, where there has been an offence against the public security, such as violation of domicile, which it is for the public interest should be punished. I need hardly add that in most cases where the plaintiff is successful the whole deposit is returned intact.

In reply to your letter of to-day's date, I must point out that this being the Jewish Sabbath and to-morrow Sunday, the Jewess Gimol Attias will not be able to collect 100 dollars, the amount I understand you to require her to deposit, and to see me to receive instructions as to the steps necessary for her to take before appearing in your Court at the hour you name, namely, 10 A.M. on Monday next. Under these circumstances, I am sure you will see the necessity of fixing a later date for hearing the case.

I am glad to learn from your letter that the boy is being treated by Catalina de Celis with "tender caresses," for the report that had reached me was that she and her new husband had ill-treated him to such an extent that his health had suffered.

I have, &amp;c.

(Signed) HERBERT E. WHITE.

## Inclosure 9 in No. 158.

Señor Lozano to Consul White.

(Translation.)

Spanish Consulate, Tangier, February 27, 1888.

My dear sir,

INASMUCH as, according to your letter of the 25th instant, the Jewess Gimol Attias, British subject, would not be able to make her complaint in due form before this Consulate to-day, the day appointed, therefore she can present herself at this Chancery on the 29th instant at 10 A.M.

With regard to the other points of your above-mentioned letter about the abandonment and ill-treatment of the Spanish boy Guillermo by his mother Catalina de Celis and her husband, the assault of the house of the said Jewess, the violation of domicile, and other extraordinary and incomprehensible acts which the said Jewess continues denouncing, I have already stated to you that they are disproved by the inquiries made by this Consulate.

May God preserve, &amp;c.

(Signed) FCO. LOZANO.

## Inclosure 10 in No. 158.

Consul White to Señor Lozano.

Sir,

Tangier, February 28, 1888.

IN conformity with the terms of your letter of the 27th instant, the British subject Gimol Attias attended your Consular Court this morning, accompanied by her witnesses, to prosecute her charge against the Spanish subjects Pedro Muñoz, José Morales, and Catalina de Celis of violation of domicile, assault, and forcible abduction from her house of the boy Guillermo de Celis.

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At my request, and by direction of Her Majesty's Minister, Mr. de Vismes de Ponthieu also attended your Court to watch the case on behalf of this Consulate; for the violation of the domicile of a British subject, and the attempt thereby, by illegal violent means, to withdraw from the jurisdiction of the British Consulate a case which could properly only be decided by it, is not only a grave offence against public order, but a matter seriously affecting the position of the British, and, indeed, all Consulates in this country, and if not severely punished will lead to its repetition by others and a general state of lawlessness.

Mr. de Vismes de Ponthieu informed you that Gimol Attias appeared in your Court solely to prosecute the charge against the three Spanish subjects above mentioned, and that what she and what this Consulate also demanded was that, if the charge was proved, the offenders be severely punished, and the affair be restored to its position before their illegal action by the boy being given back to Gimol Attias, when Catalina de Celis could, should she so desire, claim him through this Consulate in due form.

Mr. de Vismes de Ponthieu reported to me that you stated that in no case would you consent to the restoration of the boy to Gimol Attias, and that as to the charge against the Spanish subjects, it was not your intention to proceed in the matter yet, that Gimol Attias should in the first place deposit 100 dollars and sign a document submitting to your jurisdiction, and that then "you would see about it."

On appearing at your Consulate this morning Gimol Attias was already provided with the necessary document. She had not brought the money, as you had not definitely stated the sum required, telling my clerk, whom I sent to you to inquire on the 27th, that you would state the amount to-day.

I now request you to have the goodness to fix a time for the formal judicial hearing of the charge against the Spanish subjects, Gimol Attias being ready to appear again in your Court and bring with her 100 dollars. Mr. de Vismes de Ponthieu will also again attend on behalf of this Consulate.

With regard to your statement that under no circumstances would you direct that the boy be restored to Gimol Attias pending the decision in the British Consular Court of the question as to who is entitled to his custody, on the grounds that, in your opinion, Catalina de Celis is the proper guardian, I can only repeat that that is a question to be decided in my Court after an impartial hearing of both parties and of the boy himself, and that by allowing Catalina de Celis to retain the boy, even if the charge against her is established, you would be approving the violent and illegal means by which he was secured, and you would thus encourage others to thus take the law into their own hands and do themselves what they may or may not imagine to be justice. For instance, some one may earn a certain sum of money from a Spaniard; he might thus adopt this simple expedient—breaking into the Spaniard's house and help himself to the sum he craves.

If Catalina de Celis considered herself entitled to the custody of the boy, she should have brought her claim before me in due form as invited by me, through you, to do. If you considered I was not justified in requiring her to submit to my jurisdiction and make a deposit to meet possible expenses, it was always open to you to have the matter referred to Her Majesty's Minister and Consul-General, or to Her Majesty's Government. Catalina de Celis had exhibited no anxiety to regain possession of the boy during seven and a half years; she might easily have waited a few days longer till reference could have been made to my superiors. In no way can any excuse be made for the violent means she is accused of having had recourse to.

I have, &c.

(Signed) HERBERT E. WHITE.

Inclosure 11 in No. 159.

Señor Lozano to Consul White.

(Translation.)

Spanish Consulate, Tangier, March 2, 1888.

IN accordance with the wishes expressed in your letter of the 29th ultimo, received yesterday afternoon, the 6th instant, at 10 A.M., has been appointed for the judicial hearing before this Consulate of the charges made by the British subject Gimol Attias against the three Spaniards of alleged offences which, as I have already informed you, are shown to be false by the proofs acquired by this Consulate in legal form.

The other points referred to in your above-mentioned letter will be answered in the course of the hearing and by the Judgment, but I must, nevertheless, repeat to you that, if the Spanish woman, mother of the boy Guillermo, whose father is unknown, did not prosecute uninterruptedly her claim before your Consulate for the restitution of her said son, it was because in her poverty she was unable to deposit 300 pesetas, which you had exacted for that purpose, as well as that she should have a document approved ("curzado") by this Consulate, submit in this case to British jurisdiction and abide by the result of the hearing.

May God preserve, &c.

(Signed) FCO. LOZANO.

No. 159.

Sir W. K. Green to the Marquis of Salisbury.—(Received March 12.)

(No. 26. Confidential.)

Tangier, March 4, 1888.

My Lord,

WITH reference to your Lordship's despatch No. 16 of the 22nd ultimo, I have the honour to inform your Lordship that two days ago I called on Señor Lozano and presented to him that the Spanish Ambassador had stated to your Lordship that both the French and Spanish Representatives in Morocco had been instructed by their respective Governments to prepare new and separate Reports in substitution for their joint one, for submission to the Madrid Conference.

Señor Diosdado replied that, under orders from Madrid, he had within the last few days sent Señor Moret a fresh report on the question of foreign protection of natives in this country, but that in truth, he must admit that he believed the Spanish Minister for Foreign Affairs and he could not quite understand each other, and were working at cross purposes.

Señor Diosdado then explained to me that he and the French Minister here had never had instructions to prepare identical reports, but that M. Féraud having come to him and read to him his notes as to the revision of the Madrid Convention of 1880, he had at once adopted them as he considered they contained concessions on the part of the French Minister which he had never expected would come from that quarter, and, to mark more clearly the origin of the suggestions, he had forwarded to Madrid the Memorandum in the French wording given him by M. Féraud.

There was no doubt that this Memorandum was a hurried production, but Señor Diosdado had considered it a valuable sketch of what could be done, and sent the original Convention by the coming Conference. Señor Moret wished, however, to have from him a separate Report accompanied by an account of the abuses which had arisen under the system of protection. Señor Diosdado had, consequently, embodied in Spanish, amplifying them somewhat, the suggestions contained in his French Memorandum, but he had explained to Señor Moret that he could not specify the abuses without a more detailed explanation to the Madrid Convention of 1880 for to do this he would have to state cases, and to state cases it was requisite to bring proofs, and proofs could not be brought forward except under risks which it was not expedient that a foreign Representative should expose himself to. The press of Europe had sufficiently published the existence of the abuses perpetrated under cover of the Convention of Madrid, and it would be the duty of the Moorish Delegates at the new Conference to fully state the case of the Moorish Government.

My Spanish colleague also told me that, under instructions from Señor Moret, he had for the last month past repeatedly asked M. Féraud if he had received orders from Paris to remodel his Memorandum, and had, each time, been positively assured by M. Féraud that he had solely received an approval of the Memorandum, and had, since then, not had another word on the subject of the Conference.

I, this morning, whilst calling on my French colleague, also mentioned to him the announcement made to your Lordship by the Spanish Ambassador as to the instructions for fresh and separate Reports from him and Señor Diosdado.

M. Féraud repeated to me his statements to Señor Diosdado. He assured me he had received a full approval of his Memorandum, and M. Flourens intimating that it was sufficient for his Excellency and M. Cambon to elaborate from it all that the French Government wished to place before the coming Conference. If a new Report was

required to be substituted for M. Féraud's Memorandum it would probably be prepared at the Quai d'Orsay or at the French Embassy at Madrid.

I have, &c.  
(Signed) W. KIRBY GREEN

No. 160.

Sir W. K. Green to the Marquis of Salisbury.—(Received March 12.)

(No. 27. Very Confidential.)

My Lord,

Tangier, March 4, 1888

WITH reference to my despatch No. 26, Confidential, of this day's date, and to Señor Diosdado's statement that he believed Señor Moret and he did not quite understand each other and were working at cross purposes, it is, perhaps, desirable that I should explain to your Lordship that my Spanish colleague has left me under the impression that, in his opinion Señor Moret has not sufficiently kept in mind the Spanish object with which the proposal for a revision of the Madrid Conference of 1880 was brought forward.

Señor Diosdado has from the commencement of the proceedings, which began in August last, when he carried to Madrid, after his meeting with the Sultan at Rabat, two proposals from the Moorish Government, one for the neutralization of Morocco and the other for the revision of the Madrid Convention, persistently borne in mind his belief that it is the duty of Spain to support Mulai Hassan in his endeavours to isolate this country and limit, as much as possible, its intercourse with the outer world.

The Spanish Representative founds his conduct on the conviction that the state of the Moroccan Empire is so corrupt that the first attempt to reform it would crumble it to pieces, and that nothing that can replace it will suit Spain so well as the existing state of things. He knows that French advances from Algeria in this direction will be attempted under the cloak of progress and civilization, and that other nations, if able to develop their interests in this country, would naturally pay greater attention to it than at present.

Señor Diosdado, by falling in with all the wishes of the Sultan, has gained the warmest sympathy and confidence. He advised the application for establishing the neutrality of Morocco to remove from Mulai Hassan's mind the constant fear of foreign aggression, and the revision of the Madrid Convention in order to satisfy His Majesty's wish to gain uncontrolled power over Moors who at present evade his rapacity by obtaining shelter under a foreign flag.

Thus, when Señor Moret admits that at the coming Conference the retrocession of the privileges of protection may be discussed on the basis of the exchange for them of extended commercial facilities, Señor Diosdado finds that he is not pursuing the course originally contemplated, and that nothing will be attained by the Conference for the Sultan will decline to make anything but vague promises about future trade advantages, and so he is disappointed in the expectations raised by the advice tendered to him at Rabat.

There can be no doubt that Señor Diosdado has a clear perception of the policy he is pursuing. It is completely Spanish, and cannot be made to dovetail with that of any other country. He wishes to avoid for Spain in the belief that some day Morocco will pass into her possession, the difficulties which France is now encountering in Tunis through the enormous Italian interests existing there. Señor Diosdado knows that as soon as Morocco is opened to foreign capital and enterprise a very small share of them will be contributed by Spain, so that either British, French, Italian, or other more energetic nationalities will at once predominate and obstruct the accomplishment of hopes which have become in Spain a patriotic creed which it is already somewhat dangerous to treat slightly. Therefore my Spanish colleague loses touch with his superior at Madrid when his Excellency calls upon him to enter into details about matters which he thinks it unnecessary to specify more clearly than that they are objectionable to the Sultan, and that His Majesty requires them to be done away with unconditionally.

I have, &c.  
(Signed) W. KIRBY GREEN

No. 161.

The Marquis of Salisbury to Mr. J. G. Kennedy.

(No. 62.)

Foreign Office, March 12, 1888.

THE Italian Chargé d'Affaires at this Court called at the Foreign Office to-day and read to me a telegram that he had received from the Italian Minister for Foreign Affairs in regard to the position of the Jews in Morocco in connection with the approaching Conference at Madrid.

The telegram states that the question of the position of the Jews of Morocco after the revision of the Madrid Convention of 1880 has for some time past occupied Signor Crispi's thoughts: that the instructions given to the Italian Delegate of which M. Catalani had been directed to communicate the substance to me, bear evidence of this. His Excellency now considers the time arrived to take a formal initiative in the matter, and begs M. Catalani to announce his resolve to me. In the event of my approval the Italian Delegate would receive on that point special instructions with a view to precautionary provisions, in virtue of which, if an understanding be come to upon the subject, as Signor Crispi hopes, between Morocco and the Powers, Europe would no longer look on at the sad spectacle of systematic cruelties and persecutions practised under the eyes of their Representatives by fanatical and greedy functionaries.

The telegram concludes with the expression of a hope that the task of the Italian Delegate will receive the cordial and efficacious support of his British colleague.

In reply, I expressed to M. Catalani my cordial support of his proposals, and promised to give similar instructions to our Representative.

At the same time, I pointed out that any instruction rather than a declaration of a self-denying declaration on the part of the Conference.

I am, &c.  
(Signed) SALISBURY.

No. 162.

Sir W. K. Green to the Marquis of Salisbury.—(Received March 14.)

(No. 28. Confidential.)

My Lord,

Tangier, March 6, 1888

I HAVE the honour to report to your Lordship that Baron Whetnall, the Belgian Minister Resident here, reached this yesterday on his return from his visit to the Moorish Court at Mequinez.

Baron Whetnall called on me to-day and was good enough to repeat to me his thanks for the support which I had afforded him in obtaining a favourable reception of the portable tram and railway which he had conveyed as a present to His Moroccan Majesty. Baron Whetnall told me confidentially that he had ascertained in a positive manner that the French Minister had interested some of the highest functionaries around the Sultan by tangible rewards to use their utmost influence to induce Mulai Hassan to decline permission for the laying of the railway. This fact appeared to have come to the knowledge of the Sultan, who, when he requested Baron Whetnall to furnish him with an estimate of the cost of establishing a railway between Mequinez and Fes, reminded him that he was an independent Sovereign, and that therefore there was no need for keeping secret his wishes on the matter of this railway. My Belgian colleague has, however, not yet received the promised written acceptance of the estimate as to the cost of the railway which some Belgian engineers, who had accompanied Baron Whetnall, had supplied, and he fears that Mulai Hassan does not feel altogether the freedom of which he declares to be in possession.

Baron Whetnall also told me that he had heard at the Moorish Court that the Sultan was busy experimenting and trying how far Moors can learn to work by themselves electric telegraphs. I have reason to believe that Mulai Hassan is thus acting on advice recently tendered by me to him that he should establish the telegraph between Fes and Mequinez as an experiment and without foreign intervention, for I was convinced that the result would be such as to induce him to adopt the system for the whole of his Empire. I gave this advice with the knowledge that the principal objection of the Moors to progress is the increase of the foreign element in their Government administration, and also, as I believe the Sultan, who is the only native in the Empire who really cares for the well-being of his fellow-countrymen, would be brought into closer and more

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immediate contact with the whole of his people by the establishment of telegraphs, and thus be able to remedy many of the evils of the existing deplorable system of provincial government.

I understand that the Sultan, before asking Baron Wietnall for the estimate about the construction of the proposed railway, consulted all the Ulema and Notables of Fez, who expressed themselves most anxious for the railway, provided it could be worked by natives.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 163.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 14.)*

(No. 29 Ext. 4.)

My Lord,

Tangier, March 8, 1888.

WITH reference to your Lordship's telegram No. 5 of yesterday's date, calling upon me to inform your Lordship what Consular officer in this country I would recommend as the best Arabic interpreter to be placed at Sir Clare Ford's disposal during the coming Conference at Madrid, I have the honour to reply that Mr. George Hunot, the Vice-Consul at Saffi, is a perfect Arabic scholar, but as he is engaged in trade, and may be presumed to be intimately interested in the decisions which may be arrived at by the Conference as to the extension or curtailment of the privileges of protection, I have felt that his presence at the side of Sir Clare Ford might be misunderstood.

This objection would also apply to Mr. Frost, the Vice-Consul at Rabat; but in his case ill-health, too, I believe, would prevent his attendance at Madrid.

Mr. Payton, Her Majesty's Consul at Mogador, I think, has only a colloquial knowledge of Arabic; therefore I have felt it to be my duty to express my readiness to be deprived for a short time, in favour of Sir Clare Ford, of the services of my Assistant, Mr. de Vismes de Ponthieu, who is quite capable of controlling not only Arabic conversations, but also translations of documents and other written proceedings.

Mr. White has such a pressure of work in his Consular office through the great augmentation of the British community in Tangier that he considers it would be inexpedient for him to absent himself at present from his post.

I have had the honour of forwarding, by telegraph, the substance of the foregoing information to your Lordship.

I have, &c.  
(Signed) W. KIRBY GREEN

No. 164.

*Sir Clare Ford to the Marquis of Salisbury.—(Received March 14.)*

(No. 38.)

My Lord,

Madrid, March 10, 1888.

I DULY received your Lordship's despatch No. 31 of the 23rd ultimo relative to the questions to be discussed at the proposed Conference to be held at Madrid on the affairs of Morocco.

Your Lordship instructed me to hold language to Senor Moret in the sense of that despatch, and I have the honour to inform your Lordship that I have carried out those instructions.

His Excellency has made to me the following observations.

He notes that your Lordship is in accord with him in considering that it would be inexpedient to broach at the Conference the question of an agreement to be entered into by the Representatives of the Powers who would be present at that Conference to guarantee the political and territorial integrity of the Moorish Empire.

His Excellency, however, did not comprehend the exact meaning to be attached to that portion of your Lordship's despatch in which it is stated that, "in view of the opening which it is conceivable that changes in the existing law as to protection might give for action inconsistent with the independence of Morocco, Her Majesty's Government would not be disposed to agree to any such changes without some statement being made by the Powers who signed those arrangements renouncing on their part all encroachments on Moorish territory or jurisdiction."

No. 164\*

*Captain Rolleston to Foreign Office.—(Received March 15.)**Spencer House, Spencer Street, Victoria Street,  
Westminster, March 14, 1888.*

Sir,

A FEW days ago I forwarded to Mr. Chesson, the Secretary of the Aborigines Society, a letter regarding certain abuses perpetrated by British subjects on natives of Morocco. Mr. Chesson informed me that he intended forwarding my letter to you, and I presume you will send it to Sir Kirby Green, the British Representative at Tangier. As with the Report I inclosed a statement made to me personally by certain natives, in which they complained of gross cruelties having been inflicted on them, I beg to inform you that were the Moorish authorities to become aware that complaints had been made by natives under their control of their having been subject to cruelties at the hands of the said native authorities, those functionaries would very probably wreak their vengeance in a very palpable manner on the complainants. I would suggest, therefore, that Sir Kirby Green should exercise great caution in making inquiries as to the treatment the above-mentioned natives received while actually in prison. At the same time, I should say the Moorish authorities have no objection to natives under their control complaining of injustice or extortion practised against them by foreigners or Consular protégés, as long as no charge is brought against the local Mahomedan functionaries. I would also suggest that the Report alluded to and the statement of the natives should be marked private, and only for the perusal of our Minister, as while I have full confidence in his discretion, I have good reason for knowing that matters pertaining to the British Legation and Consulate have at different times been made public by certain subordinates of those offices.

I remain, &c.  
(Signed) CHARLES ROLLESTON

Señor Moret thought he detected a certain amount of discrepancy between those words and the fact which had been stated by your Lordship, namely, that it would be inexpedient to broach the integrity question at the Conference.

If, however, said Señor Moret, the incidental introduction of that question was only stated as a hypothetical case to be broached under conjectural conditions and in the event of certain eventualities taking place, such as were cited by your Lordship—the changing, for instance, the existing law of protection in such a manner as to cause apprehension that the independence of Morocco might be compromised thereby—then, he thought, the first person to refuse to sign a Protocol which might be fraught with such danger to his country would be the Moorish Delegate.

Señor Moret admitted, however, that, should the case which had been put hypothetically actually arise, and a change were to be made which might involve the case indicated, then, instead of refusing to sign the Protocol containing it, it would be expedient to adopt the course indicated by your Lordship, and require of the members of the Conference that they should draw up a Declaration favourable to the maintenance of the integrity of Morocco. Indeed, added Señor Moret, in such a case, not only should I feel disposed to act as suggested by Lord Salisbury, but I should even on my own account propose to act in that way.

Señor Moret is, however, of opinion that no risk will be run in this direction, and that, should no case arise as that fore-shadowed by Lord Salisbury, it is to be clearly understood that the integrity question is to be kept entirely in the background, and to be carefully excluded from the discussions at the Conference.

I trust that I have in this despatch made myself clear to your Lordship. I have faithfully interpreted Señor Moret's words, and I may add that his Excellency greatly desires to learn as soon as possible whether he and your Lordship are agreed on this point at present under consideration. It is one which he regards as of very great importance in view of the fact that the French Government would on no account consent to assist at the Conference were they to entertain the idea that they might be called upon to affix, through their Delegate their signature to any document by which the integrity of Morocco, territorially and politically, was to be made the subject of a guarantee.

I have, &c.  
(Signed) FRANCIS CLARE FORD.

No. 165.

*Foreign Office to Colonial Office.**Foreign Office, March 15, 1888.*

Sir,

WITH reference to your letter of the 1st October last, in which you inclose a copy of a further petition from Messrs. Seichma and Tagar, forwarded by the Governor of Malta, respecting their claims for losses incurred through the French military occupation of Gades, I am directed by the Marquis of Salisbury to transmit to you herewith copies of the correspondence, noted in the margin,\* from which Lord Knutsford will perceive that the decision of the French Government is unfavourable to the claim.

Lord Salisbury regrets that his Lordship does not feel justified in taking further action in the matter.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE.

No. 166.

*Consul-General Sir R. Playfair to the Marquis of Salisbury.—(Received March 17.)*

(No. 2.)

My Lord,

*Algiers, March 14, 1888*

I HAVE the honour to acknowledge the receipt of Foreign Office despatches Nos. 1, 3, and 5, dated respectively the 28th February and the 6th and 10th March, relating to the assessment of house tax in Tunis.

I have forwarded these to Consul Sandwith for his information. He will see from

\* Mr. Egerton, No. 265, September, 17; to Consul Sandwith, No. 1, September 26, 1887.

the inclosures to the last of these that it is considered premature to join in the protest made by the Italian Government against the decree in question.

I have, &c.

(Signed) R. LAMBERT PLAYFAIR.

No. 167

*Memorandum respecting Consular Protection in Morocco.—(Communicated to the Marquis of Salisbury by M. Catalani, March 17.)*

(Translation.)

THE Department of State of the United States has received an interesting and important communication from Mr. William Reed Lewis, Consul of the United States at Tangier on the abuses of the system of Consular protection in Morocco, and the measures he has taken to correct those abuses as far as the protection of native Moors by the Representatives of the United States is concerned.

On taking charge of the Consulate in March 1887, Mr. Lewis found more than 800 persons claiming the official or unofficial protection of the United States. The unofficially protected persons largely exceeded the officially protected in number. One example will give an idea of the nature and extent of the protection applied for and granted.

A year ago the inhabitants of a village near Tangier, famous for its bear hunts, being ordered by the Sultan to pay a tax, refused to do so on the pretext that the village was an American colony and when the Pasha addressed Mr. Lewis's predecessor on the subject that gentleman replied that the villagers, who were about 300 in number, were guards at the hunts organized by the American Consulate, and were therefore exempt from taxation, since all the employés of the Consulate were under the protection of the United States.

At the present time Mr. Lewis does not grant unofficial protection at all, and only three classes of persons enjoy official protection—those who are now employed in the Consular service, those who are protected in consideration of former services rendered to the United States, and the agents and buyers employed in Morocco in the wholesale import and export trade by citizens of the United States. All these persons enjoy protection under the authority of existing Commercial Treaties, and especially of the International Convention signed at Madrid in 1880.

In the light of experience of the past, and of a careful study of the present system of Government in Morocco, Mr. Lewis is convinced that protection must be considered absolutely necessary and opportune.

The administrative system of Morocco is not founded on any recognized or established basis but depends entirely on the will of the Sultan, expressed through his delegates, to whom he grants unlimited power. His sphere of action extends to everything within his jurisdiction, and special immunities are therefore necessary for the protection of foreign interests from the abuses of arbitrary exercise of power.

With regard to the natives employed in the Consular service, Mr. Lewis observes that, in the absence of American citizens, it is necessary to employ Moors as Consular Agents at the ports of Morocco, and that it is, in order to preserve their influence and make themselves respected by the local authorities to the same extent as their colleagues—other Consular Agents, must have subordinates to help them as interpreters and messengers, for all of whom protection is essential to enable them to discharge their duties without fear.

With regard to the second class, that of persons protected on account of former services rendered by them, these, says Mr. Lewis, are men who have earned the thanks of the United States' Government as Consular Agents and Interpreters. If it were seen that those who had formerly served us suffered harm from no longer being protected after their time of service had expired, it would be difficult for the future to obtain good subordinate officials amongst the protected natives. Under such conditions they could not even discharge their duties properly, for they frequently have to put themselves in opposition to the Government Agents by the fact of having to be the bearers of complaints against arbitrary abuse of power on the part of the Sultan's delegates. Mr. Lewis quotes as an example the case of an old Moor employed in writing in Arabic official letters from the Consulate to the Sultan, and who was accidentally left unprotected. This man preferred losing his employment to writing anything attacking the Sultan's Ministers, although he was only called upon to write in the Consul's name. This is the reason why persons employed in the important duty of communicating with the authorities cannot be left unprotected, although the proper precautions should be taken to limit

protection to respected and trustworthy persons, against whom there are no accusations, and whose services bring them under the protection of the Treaties.

The third class, which comprises the agents and buyers of American importers and exporters, increases or diminishes in extent according to the fluctuations of the trade with Morocco. The list undergoes frequent changes, and a person protected one day may find himself subject to the jurisdiction of Morocco on the next. It is in connection with this class that abuses have been most frequent, and that the Treaties in force are most defective. A native of Morocco who may have, fraudulently or otherwise, obtained letters of American citizenship can return to Morocco and live there five years engaged in import and export trade (sometimes merely nominally, and often only with Gibraltar, Cadiz and Malaga), and can claim, on the strength of existing Treaties, the privilege of having United States' protection for two agents at each port of Morocco; in such cases it often happens that the man who is nominally the principal is, in fact, paid by his pretenses dependent. On the other hand, a *bona fide* merchant, the more extensive his business, the greater drawback will he find it that he is not allowed to have more than two protected agents or buyers at each port. Without protection it would be quite impossible for an American firm to import our products into Morocco or to export raw material from the country, because the Governors are so rapacious and exercise their power in such an irresponsible manner that a native who is not protected cannot safely be trusted with money or goods, and protection is, in this respect, as beneficial to the interests of the Sultan, as against the corruption of his Delegates, as it is to those of the foreign merchant.

The suppression of this protection would make way for a series of abuses much greater than any now known in Morocco, and the robberies that would occur would give rise to interminable claims on the part of foreigners—robberies which are so common at the present time, when the commercial agents are under the protection of the respective Representatives of foreign Governments.

It appears from the detailed list communicated by Mr. Lewis that the number of native Moors at present enjoying the protection of the United States for present or past services, is twenty-nine (many of whom are employed as Consular Agents, guards, interpreters, or Arabic writers). There are twenty-six protected commercial agents, who are all of them in the *bona fide* employment of citizens of the United States actually engaged in import or export trade, according to the terms of existing Treaties. This is satisfactory, and shows that the reform of many abuses which were in former times practised in connection with the United States' Consulate at Tangier has been conscientiously and successfully carried out.

Mr. Lewis has been instructed by the President to take part, together with the United States' Minister, Spain in the proposed Conference at Madrid, for the examination of the abuses of foreign protection at present existing in Morocco, and for the adoption of new measures to correct those abuses, while at the same time, foreign interests entrusted to natives of the country are to be carefully safeguarded.

No. 168.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 19.)*

(No. 30. Confidential.)

My Lord,

Tangier, March 11, 1888.

IN continuation of my despatch No. 24, Confidential, of the 18th ultimo, I have the honour to report to your Lordship that the United States' frigate "Enterprise" anchored in this port yesterday morning.

The customary salute of the Moorish flag has not been fired by the frigate, the compliment having been deferred until after the removal of the existing misunderstandings between the American Consul and the Moorish authorities.

Three days prior to the arrival of the "Enterprise" Mr. Reed Lewis called on me and inquired whether the Acting Moorish Commissioner for Foreign Affairs had been consulting me on the subject of the pending differences between them. On my replying that Sid Mohamed Zogary had not done so, Mr. Reed Lewis said that he had asked me the question because M. Travers, the German Minister, had been so consulted and had apparently expressed opinions in support of the contention of the Moorish authorities.

I hereupon remarked to Mr. Reed Lewis that he was aware that I had from the first declined to consider the merits of the questions, and that I had confined myself to

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ALTY WITHOUT PERMISSION OF THE  
PUBLIC RECORD OFFICE, LONDON

recommending to him conciliation, and, above all, prudence in the active measures that he might be tempted to take.

The Consul, in admitting this, said he was prepared to be most conciliatory, and would gladly accept an offer from the Acting Commissioner for Foreign Affairs to submit the matters in dispute between them to the decision of a mutual friend or friends. I expressed my willingness to Mr. Reed Lewis, under these circumstances, to call on Cid Mohamed Zugary and urge him to meet him half-way in coming to an understanding.

When, later in the day, I called on the Acting Commissioner, he promptly promised to avail himself of the opening which I pointed out to him as offering a satisfactory way of arriving at a settlement of the differences with the American Consul, and he begged me to add weight to the representations which he would make in that direction to the Sultan by writing myself, confidentially, to Cid Emfadel Gharneet, to inform His Majesty that the course had been suggested and recommended by me.

Mr. Reed Lewis, I understand, will await for twenty days an answer from the Moorish Government at Mequinez, so that, I trust, unless the Sultan is determined to push matters to extremes, the American questions will shortly be in the way of amicable settlement.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 169.

*Foreign Office to Messrs. Shuttleworth, Cox, and Co.*

Gentlemen,

WITH reference to your letter of the 1st instant, in regard to the case of yourselves and Solomon Pariente, I am directed by the Marquis of Salisbury to inform you that the Lordship received a despatch from Her Majesty's Minister at Tangier, dated the 17th ultimo, in which he stated that he would not fail to call upon the Moorish Minister for Foreign Affairs to expedite his decision in the matter as soon as his Excellency had returned from the embassy on which he was engaged to the Pope at Rome.

I am, &c.  
(Signed) JULIAN PAUNCEFOTE.

No. 170.

*The Marquis of Salisbury to Sir Clare Ford.*

(No. 3.)

(Telegraphic)

*Foreign Office, March 22, 1888, 1-15 P.M.*

ASK Señor Moret to defer invitation for meeting of Conference until receipt of communication in reply to your despatch No. 38.

No. 171.

*Memorandum for communication to M. Catalani in connection with the Morocco Conference*

IT appears from recent reports received from Her Majesty's Ambassador at Madrid that there is some misapprehension as regards two distinct proposals:—

1 That the Powers should guarantee the integrity of Morocco, which was put forward by the Moorish Government in their note of the 16th August, to which, as M. Catalani was informed on the 5th October, Her Majesty's Government had strong objections.

2. That by a Self-denying Agreement the Powers should engage to respect the integrity of Morocco, a proposal to which Her Majesty's Government had reason to believe most of the Powers would probably agree.

In October last the Spanish Government explained that, in their opinion, the question of protection could not be separated from those of commercial concessions and of the integrity of Morocco, and that the two latter questions would be raised after the meeting of the proposed Conference to consider the Moorish request for a revision of the Madrid Convention of 1880. It was in consequence of those explanations that Her Majesty's Government agreed to the limited form of invitation proposed

by the Spanish Government in December following. The position assumed by Her Majesty's Government was explained by Sir C. Ford to the Spanish Secretary of State, who stated that he perfectly well understood it.

There has never been a question between Her Majesty's Government and that of Spain of submitting, for the consideration of the Conference, a proposal to guarantee the integrity of Morocco, but only to respect it. Her Majesty's Government agreed to take part in the Conference on the clear understanding that the subject of respecting the integrity of Morocco should not be excluded from discussion, so far as it might arise in connection with that of protection of natives and of extended commercial facilities.

But it appears from a despatch from Sir C. Ford, dated the 10th instant, that Señor Moret now objects to the question of the integrity of Morocco being discussed at all. It is therefore to be feared that a misapprehension exists, which Sir C. Ford has been directed to ask the Spanish Government to clear up before issuing invitations to the meeting of the Conference.

*Foreign Office, March 22, 1888.*

No. 172.

*The Marquis of Salisbury to Sir Clare Ford.*

(No. 48.)

*Foreign Office, March 22, 1888.*

Sir,

I HAVE received your Excellency's despatch No. 38 of the 10th instant, in which, after stating that you had carried out the instructions contained in my despatch No. 31 of the 23rd ult mo, relative to the questions to be discussed at the proposed Conference on the affairs of Morocco, your Excellency proceeds to report the observations made to you thereupon by Señor Moret, the Spanish Secretary of State.

I have to observe that Señor Moret would seem to be under a misapprehension as regards two distinct proposals:—

1 That the Powers should guarantee the integrity of Morocco, which was put forward by the Moorish Government in their note of the 16th August, a proposal to which Her Majesty's Government strongly object, and

2 That by a Self-denying Agreement the Powers should engage to respect the integrity of Morocco, a proposal to which most of the Powers would probably agree.

Your Excellency states in your present despatch that Señor Moret "is of opinion that, should no case arise as foreshadowed by Lord Salisbury, it is to be clearly understood that the integrity question is to be kept in the background and carefully excluded from discussion at the Conference." But such a case was foreshadowed by the Spanish Government, as will be seen by reference to my despatch No. 151 A, Confidential, of the 25th October, recording my conversation on that day with the Spanish Minister at this Court, who explained that, in the opinion of his Government, the question of protection could not be separated from those of commercial concessions and of the integrity of Morocco, and that the two latter questions would be raised after the meeting of the Conference. It was in consequence of those explanations that Her Majesty's Government agreed to the limited form of invitation proposed by the Spanish Government. That Señor Moret perfectly well understood the position assumed by Her Majesty's Government appears from the concluding paragraph of your Excellency's despatch No. 172 Confidential, of the 11th December last.

There has never been, therefore, a question of submitting for the consideration of the Conference a proposal to guarantee the integrity of Morocco, but only to respect it, and Her Majesty's Government agreed to take part in the Conference on the clear understanding that the subject of respecting the integrity of Morocco should not be excluded from discussion, so far as it might arise in connection with that of protection of natives and of extended commercial facilities.

If, therefore, as appears from your Excellency's present despatch, Señor Moret now objects to the question of the integrity of Morocco being discussed at all, it is to be feared that a misapprehension exists which Her Majesty's Government consider it would be well to clear up before the invitations for the meeting of the Conference are issued.

I have to request your Excellency to make a communication to Señor Moret in the above sense.

I am, &c.  
(Signed) SALISBURY.

FC. 403162

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*The Marquis of Salisbury to Sir W. K. Green.*

(No. 32. Confidential.)

Sir,

*Foreign Office, March 24, 1888.*

I HAVE received your further despatch No. 30, Confidential, of the 11th instant, upon the subject of the differences between the Moorish Government and the United States' Consul at Tangier, and I have to convey to you my approval of your action in the matter, as reported therein.

I am, &c.  
(Signed) SALISBURY.

No. 174.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 26.)*

(No. 32. Confidential.)

My Lord,

*Tangier, March 16, 1888.*

IN continuation of my despatch No. 28, Confidential, of the 6th instant, regarding the consideration given at the Sherrefian Court to the matter of the establishment of a railway between Fez and Mequinez, I regret to have to report to your Lordship that I have now learnt from a trustworthy source that the Sultan and his Ministers, in discussing the establishment of this railway with the Belgian Minister, have never entertained the slightest idea of really having a railway built.

Mulai Hassan and his advisers, it appears, under an Oriental desire to render themselves agreeable to Baron Whettall, would not dismiss his suggestions in favour of the construction of railways in Morocco by a simple rejection of them, but thought it expedient to seem to be convinced by his arguments. They, therefore, not only call for the estimate of the cost of a railway between Fez and Mequinez, but also added that if a railway was to be laid between the two cities it should be done by Belgians.

Baron Whettall is still under the impression that the assurances which he received at the Sherrefian Court will, ere long, take the form of action on the part of the Moorish Government, whilst my informant asserts the promise as to the construction of the railway between the two cities being confided to Belgians was merely given under the intention and determination that no railway should ever be constructed in Morocco.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 175.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 26.)*

(No. 33. Confidential.)

My Lord,

*Tangier, March 16, 1888.*

FROM information reaching me from several trustworthy sources, I learn that considerable distrust has been created in the Sultan's mind as to the expediency of the steps which he had taken to obtain a revision of the Convention of Madrid of 1880, and the possible issue of the coming Conference at Madrid.

It is not impossible that misrepresentations have been made to Mulai Hassan about the insistence of Her Majesty's Government that the proposed Conference should be held with a wide reference. I am happy, however, to have to report to your Lordship that though such misrepresentations may have been made they do not appear to have shaken the Sultan's confidence in the friendship of Her Majesty's Government towards this country. On the contrary, from the manner in which the intercourse between the Sherrefian Court and myself has been lately drawn closer, I am inclined to believe that the presumed misrepresentations have over shot their mark.

I have, &c.  
(Signed) W. KIRBY GREEN.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 26.)*

(No. 34. Confidential.)

My Lord,

*Tangier, March 17, 1888.*

I HAVE the honour to report to your Lordship that information has been conveyed to me in an indirect but certain manner, at the instance of the Sultan, that His Sherrefian Majesty having learnt that the German Government contemplates sending Prince Henry of Germany to Tangier at the time when Mulai Hassan will be visiting the place, gifts have been prepared for presentation to His Imperial and Royal Highness.

At the same time, I have been led to understand that the Sultan entertains the strong hope that the Duke of Edinburgh, too, will visit him when here, as His Sherrefian Majesty is anxious to avail himself of the opportunity to ask His Royal Highness to charge him with the delivery to the Queen of some presents which he hopes Her Majesty will not refuse to accept from him.

I believe that Mulai Hassan has also prepared some gifts for the Duke of Edinburgh.

I conclude that this information has been conveyed to me, in order that I should be able to communicate with His Sherrefian Majesty in time should there be no wish to accept his gifts, and should the Duke of Edinburgh not visit him when at Tangier.

Without venturing to express in the slightest degree an opinion as to the wisdom or of accepting the Sultan's offerings, I believe I may say that Mulai Hassan felt that he must tactfully and by omitting to send an Embassy to England last year at the time of the Queen's Jubilee. His Sherrefian Majesty was then still labouring with the impression that an Embassy from Morocco would not be favourably looked upon by Her Majesty's Government owing to the hesitation which had been shown by the Moroccan Government in the matter of concluding a new Commercial Treaty.

Mulai Hassan is evidently now most anxious to mark in some public manner the importance which he still attaches to the friendship and support which have always been extended towards Morocco by the British nation.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 177.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 27.)*

(No. 37. Confidential.)

My Lord,

*Tangier, March 20, 1888.*

I HAVE the honour to report, for your Lordship's information, that Cid el Hadi Mohammed Torres returned here yesterday in the Spanish iron-clad frigate "Castilla," from his Embassy to the Pope at Rome.

I understand that the Moorish Commissioner for Foreign Affairs will at once proceed to Mequinez to give a *reception* a court to the Sultan of his reception by His Holiness.

The impression caused by this Embassy on the Moors has been one of considerable mortification, as they fully understand that it was solely undertaken to please the Spanish Government, and that no possible advantage can accrue from it to Morocco.

The attempt that has been made in certain circles to depict the Embassy as affording valid proof that Spain is the protector of the Roman Catholic Church in Morocco, as France and Austria-Hungary respectively claim to be in Syria and European Turkey, is not likely to smooth the relations of the French and Spanish Governments on Moorish affairs.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 178.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 27.)*(No. 38.)  
My Lord,

Tangier, March 20, 1888  
I HAVE the honour to report, for your Lordship's information, that Count Cantagalli, the successor of the late Signor Scovasso as Italian Envoy Extraordinary and Minister Plenipotentiary in Morocco, arrived here yesterday from Italy in the iron-clad "Castelfidardo."

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 179.

*Sir J. Savile to the Marquis of Salisbury.—(Received March 27.)*(No. 11.)  
(Telegraphic.)

Roma, March 26, 1888, 8-15 P.M.  
SIGNOR CRISPI considers that Morocco's wish to exclude Porte from Madrid Conference is much justified.

His Excellency has not yet replied in above sense to Spanish Ambassador.

No. 180.

*Sir Clare Ford to the Marquis of Salisbury.—(Received March 28.)*(No. 47. Confidential)  
My Lord,

Madrid, March 24, 1888.  
WITH reference to my despatch No. 31, Confidential, of the 26th ultimo, in which I spoke of the presence of a Turkish Delegate at the proposed Conference to be held at Madrid, I have the honour to inform your Lordship that I am afraid Señor Moret, the Spanish Minister of State, has got himself into difficulties in this matter. I am given to understand that objections to the presence of the Turk are now being raised by the Moorish Government, although no specific complaint has been made up to the present on the subject.

The interference of M. Féraud at Tangier is said to have something to do with the matter.

In the meantime, Turkhan Bey, the Turkish Minister at the Court of Madrid, has had a rather stormy interview with Señor Moret, when the former expressed himself as greatly astonished and hurt at the reports which had reached him that the presence of a Turkish Representative at the Conference was to be, if possible, dispensed with. Turkhan Bey stated that his Government had been formally invited, and had even appointed a Special Delegate to represent the Porte at the Conference, and that were the invitation to be withdrawn he should consider that a gratuitous slight had been put upon his country.

I have, &c.  
(Signed) FRANCIS CLARE FORD.

No. 181.

*Sir Clare Ford to the Marquis of Salisbury.—(Received March 28.)*(No. 48. Confidential)  
My Lord,

Madrid, March 24, 1888.  
OWING to the slight misunderstanding which has arisen affecting the manner in which the question of guaranteeing the integrity of Morocco at the proposed Conference should be treated, and which will, no doubt, be cleared up on the arrival of the despatch which your Lordship was so good as to announce to me by telegraph on the 22nd instant, your Lordship instructed me to request Señor Moret, the Spanish Minister of State, to defer issuing his invitations for the meeting of the Conference until the above-mentioned despatch had reached my hands.

No. 178\*

*Anglo-Jewish Association to the Marquis of Salisbury.—(Received March 27.)*

My Lord,

2, Paper Buildings, Temple, E.C., March 23, 1888.

WE have to acknowledge the receipt of your Lordship's letter of the 22nd ultimo, in which you state that the questions referred to in our previous letter to your Lordship would not come within the scope of the Conference about to be held at Madrid.

We are instructed respectfully to express to your Lordship the disappointment caused by this reply to the Anglo-Jewish bodies whom we represent, and earnestly to invite your Lordship's attention to the important fact, that the Conference held at Madrid in 1880 on the subject of Consular protection in Morocco did not separate without some effort being made to secure for the non-Mahomedan subjects of the Emperor of Morocco the benefits of religious toleration and fair and just treatment.

It appears at p. 158 of the Blue Book ("Morocco No. 1, 1880") that, in reference to this subject, a solemn Declaration was signed by all the Plenipotentiaries at the Conference, as well as by the Moorish Delegate. In this document reference was made to the rights guaranteed by the Imperial Decree of 1804, given to Sir Moses Montefiore, whereby it was declared that the Jews should be equal before the law with His Majesty's Mahomedan subjects. This Decree renewed the terms of the Decrees of 1839 and 1850, and was confirmed by those of 1874 and 1878.

The Declaration complained that restrictions still existed which were opposed to the spirit of the above-mentioned Decrees. It prayed that the Emperor would command his Government to observe, as a permanent basis of their legislation, the principle embodied in the Decree of 1804, according to which neither religion nor race was to cause any difference in the treatment before the law of Mahomedan or non-Mahomedan subjects, nor serve as a pretext for imposing on the latter limitations to deprive them of any civil rights, or preclude them from pursuing any professions or industries.

Immediately after the adoption of this Declaration the Moorish Delegate presented to the Conference a letter from the Emperor, in which the following passages occur (Blue Book, p. 159):—

"Our wish is that they (the Jews) obtain justice without the intervention of the Powers or of their Representatives, for they are our subjects and our tax-payers ('tributaires'), possessing, on these grounds, the same rights as Mussulmans, and all ill-treatment of them being forbidden by our religion."

The President, thereupon, in the name of all the Plenipotentiaries, expressed the lively satisfaction with which the Conference received these assurances (Blue Book, p. 160). It was not until a week after this solemn assurance had been received from the Emperor, namely, on the 3rd July, that the Convention was signed (Blue Book p. 184).

It is true that the British Representative, Mr. Sackville West, expressed his opinion that the assurance given by the Emperor of Morocco might prove of little value unless followed by vigilance and energy on the part of the European Powers, for Mr. West, in his despatch to Earl Granville, proceeds to say (Blue Book, p. 179):—

"It will now be for the Representatives of the European Powers of Tangiers, either collectively or individually, to see that the promises of the Sultan are carried out with respect to the Jewish population, and to take care that proper measures are taken, in accordance with the Sultan's letter, to protect them against persecution and outrage. There are means, certainly, of evading the intention of the terms of the Convention, but such a course is rendered difficult in the face of the solemn Act which has been concluded, and a strict adherence to it on all sides may justly be anticipated."

We submit, therefore, that the Sultan's solemn promise in 1880 cannot properly be considered as wholly unconnected with the Convention of that year. That this solemn promise has been flagrantly violated there cannot be any manner of doubt. Persecution and outrage continue as rife as ever. The disabilities and degrading customs to which the Jews of Morocco are still subject, and which are described in our former letter to your Lordship, are precisely the same as "the disabilities and degrading customs" referred to in Earl Granville's despatch to Sir J. D. Hay of the 23rd July, 1880 (Blue Book, p. 185). Of this unjust and oppressive treatment of the Morocco Jews the Representatives of Her Majesty's Government have written in terms of severe animadversion.

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On the 2nd February, 1880, Sir J. Drummond Hay wrote to your Lordship (Blue Book, p. 59):—

"His Majesty (the Sultan) should be made to understand in firm but precise language that the combined Powers of the world will no longer tolerate the commission of acts of tyranny and injustice of the Sultan's officers."

In the same year Earl Granville wrote:—

"The European Powers could not be expected to continue to regard, unmoved, the oppression of the Jews and other non-Mahomedan subjects of the Empire, or to listen to the plea of fanaticism which is put forward as the reason why the Moorish Government were unable to relax the degrading usages to which the non-Musulmans are compelled to submit."

We venture, therefore, to submit, with equal deference and earnestness, that before making further concessions to the Sultan of Morocco, the constant violation of the solemn promises given by His Majesty before the Convention of 1880 was signed should be brought to His Majesty's notice, and to that of the Conference at Madrid.

We are not unaware that the existing system of Consular protection is open to abuse, but it has afforded, directly and indirectly, almost the only security to the Jews against cruel oppression, and we again venture to urge upon your Lordship the importance of not allowing the present protection to be withdrawn without taking measures for providing other and more efficient safeguards.

We are impressed with the deep conviction that, unless such measures be adopted in the interest of the non-Mahomedans, the abolition or material modification of Consular protection would expose the lives and properties of non-Mahomedan bodies, even more than at present, to the rapacity and barbarity of the Moorish authorities.

We have, &c.

Signed)

ARTHUR COHEN, *President of the London Committee of Deputies of the British Jews, 2, Paper Buildings, Temple.*

F. D. MOCATTA, *Vice-President of the Anglo-Jewish Association, 100, Sutherland Avenue*

On my intimating to Señor Moret your Lordship's request, he at once agreed to it.

I must inform your Lordship that nothing has transpired at Madrid which would lead me to form the opinion that there is any immediate prospect of the affairs of the proposed Conference reaching that advanced condition which would encourage the belief that everything was ready.

We may almost be said to be "standing at ease," awaiting Señor Moret's long promised paper with regard to the modifications in the Madrid Convention of 1880, which he may consider necessary to propose.

In the meantime, I am enabled to transmit herewith to your Lordship copy of a telegram which was addressed some time ago by M. Flourens to M. Cambon, the French Ambassador at this Court.

This document came into my hands quite recently, and it is of a very interesting character.

There are very important passages in it, and I would particularly beg to direct your Lordship's attention to M. Flourens' words, where he states that the French Government in agreeing to join in the Conference would only consent to do so on the condition of being certain that they would not be obliged to retire from it, and thereby expose themselves to appearing as being in disagreement with Spain. For that reason M. Flourens is so desirous of being made acquainted with Señor Moret's programme for the intended work of the Conference.

Your Lordship will further observe that, as a preliminary step to the meeting of the Conference, the French Minister for Foreign Affairs insists upon receiving information on the two following points:

1. The Articles of the Convention of 1880, which it is proposed by the Spanish Government to alter, and

2. The nature of the modifications which might be effected in them.

This constitutes Señor Moret's work, for which we are waiting. I have formed an idea that he has not progressed very far in his task; nor is it to be wondered at, for during the sitting of Cortes he is overwhelmed with work.

The life of a Cabinet Minister in Spain is a most laborious one. He has no Parliamentary Under-Secretary of State to help him in his legislative business, or to assist him in his attendance at the Chambers, added to which he must occupy his seat not only in one of the Houses, but in both; and it frequently happens that his presence is required on the same day at the Senate and the Chamber of Deputies as well, and the buildings in which these bodies sit are at a great distance apart. Moreover, he has numerous Cabinet Councils to assist at, not to mention Councils of State, which are presided over by the Queen-Regent.

When Señor Moret's notes are ready he has promised to show them to me and some of my colleagues, and we propose, when that stage of the proceedings is reached, to endeavour to arrive at some sort of understanding, for, as your Lordship remarked in the House of Lords on the 23rd ultimo when speaking of Conferences in general, "where a large number of Powers have to meet Conferences very seldom come to a satisfactory result, unless a number of Powers agree beforehand on what the main result of their deliberations is to be."

I have, &c.

(Signed)

FRANCIS CLARE FORD.

Inclosure in No. 181.

M. Flourens to M. Cambon.

(Télégramme.)

Paris, le 11 Février, 1888.

M. MORET vient d'adresser une dépêche relative à la Conférence du Maroc à M. Leon y Castillo, qui m'en a remis copie. Je désire que vous reveniez sur la question avec lui, parceque je crains qu'il n'existe entre vous un malentendu. Il se borne, en effet, comme conclusion de sa dépêche, à demander si je suis prêt à confirmer les déclarations que vous lui avez faites. Je les confirme expressément, car M. Moret semble croire que ces déclarations constituent entre nous une entente suffisante, alors que, suivant le Rapport que vous m'avez fait, vous vous en êtes réuni à lui pour nous proposer des solutions que nous attendons toujours.

L'intérêt que M. Moret porte à la Conférence dont il a pris l'initiative nous fait vivement désirer de nous y rendre, mais nous ne voulons y aller qu'à la condition

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d'être sûrs de ne pas être obligés à nous en retirer, et aussi de ne pas nous exposer à l'apparence d'un désaccord avec l'Espagne. C'est pourquoi nous avons demandé qu'on nous fit connaître le programme de la Conférence et les solutions qu'on serait disposé à apporter aux questions qui y seraient traitées. D'après M. Moret, le programme serait suffisamment précisé par la lettre du Sultan; or, cette lettre, qui conteste en principe le droit des nations chrétiennes d'avoir des protégés au Maroc, ne propose pas la révision, mais la destruction, du Traité de 1890. Notre point de départ ne saurait donc être dans la lettre du Sultan; nous le prenons dans le Traité.

M. Moret reconnaît la convenance de cette manière de procéder, et il est tombé d'accord avec vous que l'œuvre de la Conférence nouvelle devrait se borner à se fonder sur un petit nombre de points l'œuvre de l'ancienne; mais il ne nous a pas indiqué ces points, et c'est ce que nous désirons.

M. Moret déclare que si la Conférence est tenue à discuter des questions, ce ne sera pas en faute, mais celle de l'Espagne, qui, l'année dernière, pour conclure le Maroc des négociations comme l'Espagne.

Nous n'avons pas pris, vous le savez, l'initiative de ces négociations; nous avons été obligés à y entrer, mais nous n'y avons apporté aucune insistance personnelle. Nous n'en avons pas informé l'Espagne, parcequ'elles n'entraient pas dans les questions politiques au sujet desquelles nous avons pris l'engagement de nous concerter avec le Cabinet de Madrid.

Cependant, le Sultan s'en est servi pour subordonner les concessions qu'il ferait sur terrain à celles qu'on lui ferait sur les protégés, et, d'après M. Moret, les deux questions se sont ainsi trouvées liées. Pour éviter notre bonne volonté nous nous opposons pas à ce que la Conférence examine, si elle le juge à propos, les questions relatives aux négociations de l'année dernière. Toutefois nous sommes convaincus que dans cet ordre d'affaires il serait plus facile aux Puissances de s'entendre avec le Sultan séparément que par le moyen d'une Conférence où les intérêts différents seront peut-être en présence, et que le mieux serait de se sul ordonner à notre tour les concessions politiques préparées par la Conférence à l'obtention des concessions commerciales qui seraient ultérieurement demandées au Sultan.

Le programme de la Conférence une fois fixé dans les conditions ci-dessus énoncées, il restera à nous faire connaître les solutions qui auraient les préférences du Gouvernement Espagnol. M. Moret paraît admettre que l'échange de vues qui a eu lieu entre nos Agents à Tanger nous dispense de tout accord nouveau. Nos Agents ont posé la question mais je ne saurais admettre qu'ils l'aient résolue au lieu et place de leurs Ministres. Ils manqueraient pour cela de l'autorité qui ne peut appartenir qu'à M. Moret et à moi. Encore faudrait-il nous dire, ce qui n'a pas été jusqu'ici, que M. Moret accepte comme base les propositions de MM. Féraud et Diosdado, et alors j'aurais quelques observations à présenter, car je ne me regarde pas comme engagé par M. Féraud, auquel je n'ai donné d'autre mandat que de me faire et de me renseigner en vue des résolutions que j'aurais à prendre. Je ne pense pas que M. Moret ait pu procéder autrement avec M. Diosdado. Pour conclure, je vous prie de dire à M. Moret que je pourrais toutes les facilités que vous lui avez faites, que je suis sûr de son succès, que le succès de la Conférence, que nous désirons tous, est grand, partie déterminée par l'absence de lui être agréable, mais que je suis sûr de lui. (1) les Vues de l'Espagne sur la question, après lui, de vent être modifiés. (2) la nature des modifications qu'il a l'intention d'y introduire. Je tiens à m'assurer que je suis d'accord avec lui sur tous ces points, et j'ai pleine confiance en vous pour les discuter de manière à arriver, de part et d'autre, à des propositions concrètes et précises. J'espère que M. Moret approuvera ce qu'il y a eu des le début de net et de cordial dans notre attitude, et qu'il ne doutera pas de notre bonne volonté.

No. 182

Sir Clare Ford to the Marquis of Salisbury.—(Received March 28.)

(No. 49. Confidential.)

My Lord,

Madrid, March 24, 1888.

AT an interview I lately held with Count Tornelli, the newly-appointed Italian Ambassador at Madrid, the conversation turned on the proposed Conference to be held in this city on Moorish affairs.

This was not the first conversation by any means which I had had the pleasure of holding with Count Tornelli on this particular subject. Indeed, ever since his arrival

here I have been exceedingly open to him, as I was desirous of maintaining and continuing the friendly intercourse, both official and social, which I had held with his predecessor, the Marquis Maifei, before the latter's departure to make room for the new Ambassador.

It has always been my endeavour to impart to Count Tornelli, as far as lay in my power, everything which might enlighten him with respect to the somewhat complicated phases which the proposed revival of a Conference to be held at Madrid on the affairs of Morocco had gone through since the notion of convening it had first been initiated by Señor Moret, the present Minister of State.

I have explained to Count Tornelli how Señor Moret, after having obtained the acceptance of the different Cabinets to join in the Conference, had found himself suddenly confronted with the difficulty arising from a want of unanimity on the part of the Representatives he had invited to it.

France, for instance, would agree to nothing being discussed beyond the question of the protection of natives, whilst England declared that other subjects might properly be admitted, or, in other words, that a wider reference than the protection question should be allowed.

Germany and Austria meanwhile maintained, so to say, a neutral position, and appeared content to follow in the wake of England, whilst other countries, such as Portugal, Russia, and the United States of America, hardly let their voices be heard in the matter at all.

After a considerable lapse of time France thought fit to abandon the position she had at first assumed, and to acknowledge the fact that, were the Conference to meet, the subject of commerce might be introduced as well as that of the protection of natives.

There remained, however, another subject which, though never mentioned to France, had occupied a good deal of attention on the part of persons engaged in carrying on the present negotiations, namely, that of guaranteeing the integrity of Morocco, both territorially and politically.

It has always been maintained by Señor Moret that the bare question of such a proposal to the French Government would effectually put a stop to any Conference being held, as they would be sure to refuse to discuss such a matter, which could only be aimed against themselves.

Later on, however, following the development which negotiations of this nature are not unfrequently subject to, your Lordship indicated to me that in certain eventualities the question of guaranteeing the integrity of Morocco, although it would be a radical introduction to it *in futurum*, might nevertheless arise, and in my confidential conversations with Count Tornelli I have not scrupled to tell him so, and it then was that for the first time I ascertained that, so far as he was concerned, and his Government also, some misunderstanding existed on this point, and that it came to him as a revelation that the integrity question was not, as a matter of course, to form part of the deliberations at the Conference, that it might, however, possibly be raised under certain circumstances, but that those circumstances might never arise.

When Count Tornelli discovered that the Spanish and French Governments had agreed to brook the discussion of a two points of protection of natives and commerce and that Great Britain did not do so, he became alarmed, for to him the main, if indeed not the sole, point he was at a turn for his country at the Conference appears to be that of a guarantee to be signed by the Representatives at it to respect the territorial and political integrity of Morocco. Should that result not be acquired, the Conference, so far as Italy was concerned would be worse than a fiasco, for she would have lost the opportunity of securing an object which she deemed of the highest importance to her.

Count Tornelli is aware that Her Majesty's Government will not consent to enter into any guarantee for the neutrality of Morocco, although they would not agree to any changes being effected at the Conference in the existing law as to protection which might afford an opening for action inconsistent with the independence of Morocco without some statement being made by the Powers who would sign such arrangements renouncing on their parts all encroachment on Morish territory or jurisdiction.

Such a course, however, does not commend itself to Count Tornelli as being sufficiently favourable to what he considers the exigencies and true interests of Italy, and he pictures to himself the possibility of the Conference being held without any such eventuality as that foreshadowed above taking place, in which case the Conference might

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NOT WITHOUT PERMISSION OF THE  
PUBLIC RECORD OFFICE, LONDON

terminate its labours without a syllable having been uttered on the integrity question or the slightest action having been taken with regard to it.

Such a state of affairs he would look upon as disastrous in the extreme to Italy, and the possibility of its arising would not be tolerated for a moment by Italy, considering the stake that country holds in the maintenance of the *status quo* on the shores of the Mediterranean.

Owing to the somewhat strained relations at present existing between France and Italy, Count Tornelli would prefer that the integrity question should be raised by any other Power than Italy, as a guarantee of the integrity of Morocco can only be regarded as more or less in the light of a precautionary measure levied against France; but failing Spain or England or the Moorish Delegate bringing the matter forward, he would not hesitate, sooner than allow such a favourable opportunity to escape, to broach the subject himself.

Of course Count Tornelli would not presume to take such action without being previously instructed by his Government to do so. But he has written to Rome on the subject, and is now awaiting a reply.

This fresh complication in the affairs of the proposed Conference has produced an unfavourable impression upon Señor Moret, whom I saw this afternoon, and who informed me that it was only within the last few days that he himself had become aware of the present attitude assumed by Italy.

In his opinion, he said, the question of guaranteeing the integrity of Morocco ought not to be raised at the Conference, but should form, if found necessary, the subject of a subsidiary arrangement to be entered into by the Powers willing to do so when the Conference was over.

His Excellency observed that there was nothing to be done for the moment but to await the receipt of the despatch which your Lordship is about to address to me on the subject of the integrity question, and also to learn the nature of the instructions which Count Tornelli will receive from his Government on the same subject. He should then, said Señor Moret, be in a position to form a clearer judgment on the situation, and be able to decide whether there was any chance of the work of the Conference being carried on in a harmonious manner, or whether it might not be better to postpone its meeting indefinitely.

Señor Moret felt that were he to bind himself to France (which he appears to me to have done already) to a discussion only of the two points—protection of natives, and commerce—and then acquiesce at the instance of another Power to extend the discussion to that of the integrity question, he would subject himself to be reproached by France, and to be accused of having abandoned the strict limit of a preconcerted programme.

The friendship of France towards his country was, he said, not a thing to be lightly dealt with, and it was certainly not his policy to offend her—particularly at a time when the arch-conspirator Zorilla was enjoying a refuge in Paris from whence to conduct his revolutionary schemes against Spain, a giving way to Italy in this matter of the integrity question might, he said, result in his pulling the chestnuts out of the fire for the benefit of another Power who appeared to regard the proposed Conference solely from the point of view of its affording an excellent opportunity for laying at rest all fears of territorial aggrandizement on the part of France in Morocco.

Señor Moret was fully alive, as is everybody else, to the paramount importance of not permitting Morocco to fall into the hands of France; but that object could be attained by other means than that of raising a question of guarantee of integrity at a Conference at which France would be a party, and which had been convened with the ostensible object of taking into consideration, in order to remedy them, the abuses which had crept into the system of protection of natives as laid down in the Madrid Convention of 1880.

In concluding this despatch, I must mention to your Lordship that, should the Conference meet, it might be advisable that the Spanish form of invitation should be altered so as to make it clear that questions other than that of the protection of natives are to form the subject of deliberation.

You will recollect that in Señor Moret's letter of the 1st December last,\* transmitting the Moorish note of the 17th August, 1927, on which the idea of the assembling of a Conference originated, it would look as if the subject of the alleged abuses of the protection system was to engage solely the attention of the Representatives. It would be well, I think, if some statement appeared to show that the Moorish Government, in deputed a Delegate to Madrid, clearly understood and acknowledged the fact that other

\* *For Spanish Red Book*, pp. 72, 73, enclosed in Sir Clare Ford's No. 5 of January 22, 1888.

subjects, such as commercial matters, would be equally treated with the question of protection.

I have pointed out this matter to Señor Moret but he does not seem to share any apprehensions. Nevertheless, for my part, I consider that in dealing with the Moorish Government and its Representatives one cannot be too careful the more so when one takes into account the marked antipathy with which the question of enlarging commercial relations with foreign countries is regarded in Morocco.

I have, &c.  
(Signed) FRANCIS CLARE FORD.

No. 183.

*Sir Clare Ford to the Marquis of Salisbury.—(Received March 29.)*

No. 3.)

(Telegraphic.)

Madrid, March 28, 1888.

MY despatch No. 49.

Italian Ambassador called on me to-day.

The sole question which appears to occupy the thoughts of the Italian Government is whether, should the Conference meet, it will result in a Declaration being agreed to by the Powers to respect the *status quo* in Morocco.

Italian Ambassador is alive to the fact that France will only agree to assist at the Conference on condition of the discussions being limited to the protection and commercial questions.

It appears, however, that Signor Crispi is desirous that the subjects to be approached should be unlimited, to which France would certainly not agree.

Italian Ambassador is telegraphing to-day to Rome to suggest a compromise in order to meet views of Spanish Minister for Foreign Affairs, namely, that Italy should agree to attend Conference on basis of France's programme limited to protection and commercial questions, but that then, on the Conference having met and disposed of those questions, either the British or the Italian Delegate should propose that the Representatives at the Conference should enter into a Self-denying Agreement that they would respect the territorial *status quo* of Morocco.

Italian Ambassador informed me that Spanish Minister for Foreign Affairs had assured him that, in the event of the integrity question being brought forward in an indirect or incidental manner, he, as President, should offer no objection.

I cannot help thinking, however, that if the subject is raised without previous understanding with France, Spain will find herself in difficulties with the former country, and lay herself open to being reproached with having acted in a disloyal manner in the matter. I told Italian Ambassador so, but he replied that Italy was desirous of seeing the Conference meet, otherwise the prestige of France would be raised were the Conference to fall through, and that it would be said that she was strong enough to frustrate its meeting because her demands had not been complied with.

Italian Ambassador was also of opinion that efforts should be made to facilitate meeting of the Conference lest the Spanish Minister for Foreign Affairs' position should be compromised.

My own opinion is that, whether the Conference meets or not, it will not affect Spanish Minister for Foreign Affairs' position, for the Morocco Conference is not a subject which preoccupies public opinion in Spain.

No. 184.

*The Marquis of Salisbury to Sir J. Sarsfield.*

(No. 74.)

Sir,

Foreign Office, March 29, 1888.

THE Italian Chargé d'Affaires called upon me to-day and inquired, on the instructions of Signor Crispi, what view Her Majesty's Government took on the question of the representation of Turkey on the Morocco Conference. Signor Crispi had informed the Spanish Ambassador at Rome that the objections raised by the Sultan of Morocco to the participation of Turkey in the Conference appeared to him to be well founded, but he did not wish to give a decided reply until he had communicated with me. France, Austria, and Germany had, however, expressed a similar opinion.



I stated to Signor Catalan, that if Signor Crispi insisted Her Majesty's Government would probably follow Italy, but that I thought it unwise for the two countries to take the course proposed. The one thing on which the heart of the Sultan of Turkey was set was the Caliphate—his supremacy over all Mussulmans, and for us to put ourselves forward at this moment as the opponents of that supremacy by excluding him from a position in which a large Moslem Power was concerned would be to inflict upon him a grievous mortification without any corresponding advantage. We had better leave other Powers to come forward in this matter.

I am, &c.  
(Signed) SALISBURY

No. 185

*The Marquis of Salisbury to Sir W. K. Green.*

No. 34)

Sir

WITH reference to your despatch No. 29 of the 6th instant, I have to inform you that when the formal invitation for the meeting of the Conference at Madrid is issued, Mr. de Pontneu will be appointed Arabic interpreter to Sir C. Ford, and that he will spend 17. a night while absent from Tangier, besides his travelling expenses.

I am, &c.  
(Signed) SALISBURY

No. 186

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 31.)*

(No. 35)

My Lord,

Tangier, March 19, 1888.

THOUGH I have already held the honour of placing your Lordship fully in possession of all the facts connected with the alleged abduction by Spaniards of the boy Guillermo de Celis from the custody of the widow Attias through Mr. White's Memorandum transmitted in my despatch of the 27th of the 2nd instant, still I feel it is due to Baron de Worms that I should add the following few explanations concerning some of the statements made to me by him. His statement that Mr. Levy Cohen's telegram of the 25th of the 2nd instant was the cause of the despatch No. 29 of the 2nd instant.

From Mr. White's Memorandum, it will have been seen that the wording of Mr. Levy Cohen's telegram was such as to lead Baron de Worms to believe that the boy Guillermo de Celis was a native of Gibraltar, and consequently a British subject. Mr. Levy Cohen was also most careful to keep back from Baron de Worms all the facts which had led up to the forcible abduction of the lad, and that it was the lad's own mother that took him away.

I have merely drawn attention to these points in order to show the *malis fides* of Mr. Levy Cohen, and will now proceed to state that Mr. Charles White, far from having declined to aid Mrs. Attias in her search, brought to my knowledge the fears that were entertained for the boy Guillermo de Celis being gained possession of in some violent manner by the Spanish relatives and the legal difficulties that were in the way of efficiently protecting Mrs. Attias' ward.

I therefore thought it well to send for some of the Elders of the Jewish community here to explain to them, in a private and confidential manner, that if they held to Guillermo de Celis being brought up in the Jewish faith they would do well to remove him to Gibraltar or some other place of equal safety. The reply made to my communication by the Elders was that Guillermo de Celis being the baptized bastard of a Jew, the Jews were not very keen about retaining him in their community and that Mrs. Attias must take her chance of being able to keep possession of the boy.

Perhaps, under these circumstances, lukewarmness on the part of the British officials would have been justified, but, as probably Mrs. Attias herself will testify, throughout all the phases of the question of the rightful custody of the boy De Celis, Mr. Consul White has availed himself to the utmost of the courses open to him by law to protect Mrs. Attias' position.

As for Mr. Levy Cohen's implied censure, "British Minister hunting as usual," I am quite prepared to admit that I was out hunting, but unfortunately, not "as usual," for, owing

to the wholesale destruction of game which has taken place through the influx of Europeans who refuse to obey all Regulations for the preservation of game, the inducements for shooting and hunting are so small that I have not been out a dozen times the whole of this season. Besides, whether I am at home or out hunting, I must equally abstain from interfering in matters which belong solely and entirely to the duties of Her Majesty's Consul.

I trust that when Baron de Worms has fully informed himself of the antecedents of Mr. Levy Cohen, he will be able to cause those who in England have at heart the condition of the Jews in this country to determine only to take action in their favour after receiving appeals from properly authorized Jewish persons or bodies, and not from irresponsible individuals who have private interests to advance, and who do not hesitate as to the means they employ to attain their ends.

I have, &c.  
(Signed) W. KIRBY GREEN.

No. 167.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 31.)*

(No. 39.)

My Lord,

Tangier, March 20, 1888.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 18 of the 23rd ultimo, directing me to furnish your Lordship with a Report on the communication to your Lordship from the Board of Deputies of the British Jews and the Anglo-Jewish Association of the 3rd ultimo, concerning the amelioration which those two Jewish Societies consider should be brought about in the condition of the Maroccan Jews through the action of the Conference which is about to assemble at Madrid for the purpose of revising the Madrid Convention of 1840.

Your Lordship having already informed the Board of Deputies of the British Jews and the Anglo-Jewish Association that the questions submitted in their communication are beyond the scope of the coming Conference, I need only report on the suggestions and recommendations made by them for improving the status of non-Mahomedans in Morocco.

I do not think that it is necessary to attempt to support or confute the contentions of the British Jews in favour of their co-religionists in Morocco. That the Maroccan Jews occupy a disadvantageous position as compared with their Mussulman fellow-subjects is a notorious fact, and that the Moorish Government is corrupt, rapacious, and barbarous is as abundantly clear as that a change in the existing state of things is most desirable.

But to effect at once all that is suggested and recommended by the British Jews a violent revolution would have to be faced, whilst I can vouch from personal recollections dating back thirty years that a more slow, though safer, process is in course of development, whereby apparently all that is sought for will be ultimately attained. The Jews of the present generation believe themselves oppressed and labouring under excessive disabilities, though, their fathers may assure them, the amelioration in their condition has been such as to exceed their greatest expectations, and so matters will continue to progress until perfect equality is established between all Moorish subjects.

When I was travelling through Morocco last spring on my way to and from the Sheressian Coast I was careful to ask at each town and village where Jewish communities existed as to how they were being treated by the local authorities, and I invariably received the assurance of Rabbinical Elders, and others that, with the exception of a few isolated instances, the Jews were in the enjoyment of perfect safety and of as much freedom as they cared for.

The British Jews, evidently under the inspiration of interested persons, assert that the abolition of material modifications of Consular protection would expose the lives and properties of non-Mahomedan bodies, even more than at present, to the barbarity and rapacity of the Moorish officials. There are, it is stated, 500,000 Jews in Morocco; of these only about 500 being under foreign protection, it is difficult to understand in what way the abolition of Consular protection can affect the well-being of the vast majority of Moorish Jews.

In all my recent reports on the question of the foreign protection of Maroccan subjects, as your Lordship is aware, I have invariably pointed out that, in my opinion, the abolition of foreign protection would probably prove to the advantage of the general

body of Jews in Morocco. The Sultan, I have observed, is more ready to listen to diplomatic representations made to him on behalf of oppressed Jews than to demands based on strained interpretations of the Madrid Convention regarding protégés. The abolition of Consular protection might affect the private interests of a few Jewish merchants, but it would immensely strengthen the action of the foreign Representatives when put in motion for the advantage of the whole body of the 300,000 Maroccan Jews, or for some special Jewish community.

Though I am opposed to the protection of individual Jews for trading purposes, the accompanying translations of a reply recently received by me from the Moorish Minister for Foreign Affairs to a strong remonstrance which I had addressed to his Excellency concerning the murder of some non-protected Jews will show your Lordship sufficiently well that I am always on the alert to help a race which, undoubtedly, has still to suffer much at the hands of the dominant people among whom it is obliged to exist.

I beg to inclose herewith in a serial form my replies and observations to the statement of some of the principal disabilities affecting the Jews of Morocco which was forwarded to your Lordship in communication of the British Jews of the 3rd ultimo. I do so not with a wish to disprove that the Moorish system of government is most reprehensible and cruel, but with the desire to point out that improvement in the condition of the Maroccan Jews is slowly in progress, and that an exaggerated statement of the sufferings of the Jews makes the fact all the more evident.

I have, &c.  
(Signed) W. KIRBY GREEN.

Inclosure 1 in No. 147.

*Cid Emfadi Gharnit to Sir W. K. Green.*

(Translation.)

(After usual Compliments.)

I HAVE received your letter in which you state that your Consul at Mogador has addressed you on several occasions, and has informed you that Elias Anahori was killed on the borders of Naknafa and Ida Wismar in May last, and that Haine Nahmany was killed in Meramer, in the Province of Shindma, in August last, and blood-money was offered to his relatives and accepted; also that Yahya el Agadri, as well as a Mussulman who was with him, were killed between Mogador and the Soos, by a man of the Rchauma at Tamazzat, the Jew's body being subsequently conveyed to Tarudant; also that a man named Kisma was killed about two months before and was also taken to Tarudant. You request that Sherrefian orders be given to the Governors to warn them not to pass over deeds of this nature unnoticed. I have communicated your note to his Sherrefian Majesty, and the Sultan has approved your suggestion and advice in this matter, and has commanded me to thank you in his name.

His Majesty has also commanded the Governors of the tribes in which these crimes were committed to search after the perpetrators and arrest them, so that they may be punished for their wicked deeds. Peace.

Finished the 23rd Jumadi II, 1305 (March 7, 1885).

(Signed) MOHAMMED EL MUFADDAL BEN  
MOHAMMED GHARNIT

Inclosure 2 in No. 147

*Sir W. K. Green's Replies and Observations on a Statement of some of the principal Disabilities affecting the Jews in Morocco.*

1. JEWS in the interior are compelled to reside in "Ghettoes."

I do not believe that Jews in the interior would consent to reside out of a "Mellah" (Ghetto), where they are privileged to practise strictly all their religious rites and customs. The Jewish quarters in all Moorish towns where they exist are securely walled, and the gates into them have special Moorish guards, who are responsible for the safety of the inhabitants. In times of public tumult the Jewish quarters can be and are completely isolated from the disturbances.

2. They are not allowed to ride through any part of the town outside the Ghetto.

This is a sumptuary law which has completely fallen into disuse in all towns where Europeans reside.

3. On leaving the Ghetto they are compelled to walk barefoot, and to remove their head-covering until they re-enter their quarters. They are not allowed to carry a walking-stick, elderly and sick persons only being permitted to use a reed as a support. Moors frequently amuse themselves by throwing live coals, broken glass, old tinware, and such things in thoroughfares traversed by Jews and enjoy the fun of seeing the latter start under the blow or a stone or a brick or a sack of dirt. In Moorish towns a Jew is not allowed to select a path to walk through with ease, but must pass where the Moor does not want to pass. He is bound to pass by the Moor on the left side, and if he fail to do so he must retrace his steps.

The foregoing answer applies to all the regulations here enumerated. Doubtless the cruel acts mentioned are occasionally perpetrated in towns of the interior, but are certainly not resorted to habitually.

4. Jews venturing outside the Ghetto after sunset (except with the sanction of a Moorish official) are treated as outlaws, and become liable to the severest ill-treatment, with no means of redress.

I do not think there are many Jews in Morocco who have ever been outlawed for being found out of bounds after sunset. The fact is that police arrangements are so imperfect in Moorish towns of the interior that all respectable people, whether Moors or Jews, avoid leaving their houses, except under escort, at night.

5. They are not allowed to build houses above a certain height, nor to own property outside the Ghetto.

This is the case, I understand, at Fez, but in no other Moorish towns, and even at Fez there are Jews, who have influence at Court, who possess fine houses.

6. They are forbidden from having stores or shops in the Moorish quarter of the town, where such wares as Moorish clothing, shoes, silks, &c., are sold; thus, if any Jew should follow any of these industries, they can only vend their wares through Moors.

Jews of the interior dealing in imported goods have to sell them in the Mellahs of the towns of the interior. Native produce can be stored by Jews in the towns of the interior outside their own quarters. Moors, even of Sherrefian birth, purchase at and frequent Jewish shops in the Mellahs.

7. When Government stores of grain or other articles are overstocked or their contents damaged through long storage, the Jews are forced to buy them at the normal price of undamaged goods.

If such forced sales do occur, the Moors, as well as the Jews, have to submit to them.

8. Jews, with their wives and daughters, are compelled to undertake work for any Government official at all times (even on Sabbaths and sacred festivals), and to receive payment far below the market rate of wages.

Since Mulai Hassan came to power (thirteen years ago), I am assured by respectable Jews, no Jew has been forced to work on the Sabbath or to disregard other sacred festivals. Tradesmen and artisans of all creeds have to work on arbitrary terms for Government officials.

9. They are compelled to undertake work such as a Moor would consider degrading, e.g., the cleaning of sewers, carrying away the carcasses of dead animals from Government stables, &c.

There are Moorish as well as Jewish scavengers. No Jew whose calling is not that of a scavenger is forced to be one. When a horse or other beast of burden dies in the Sultan's or a Governor's stable, the Jewish community is called upon to carry it away without payment. The Sultan's Chief Scavenger is a Jew, but I believe there is one that many Moors would gladly accept.

10. When the heads of rebels or of criminals are sent to a town to be exposed at the town gate, the Jews are made to salt them before they are exhibited.

Jewish cobblers are held obliged by their trade to salt and pack up in leather the decapitated heads of rebels or criminals intended for public exposure in distant parts of the Empire, in the same way as the Moorish guild of butchers, where an execution has to be effected, is held obliged to furnish the executioner.

11. The Jews pay a capitation tax to be exempt from military services, but in paying this they have to submit to the humiliation of receiving a slap on the head.

No capitation tax is paid by the Jews for exemption from military service. A yearly tribute ("jeziah") is exacted from every Jewish community in the Empire. It is the only direct tax levied on the Jews, and is contributed solely by the rich under direction of the Rabbis and Elders. When the tribute is conveyed by a deputation to the Basha, or Governor, each member of the deputation has to bend his head as the Basha feigns to force his neck down. This is symbolical of the acceptance by the Jews of the Mahomedan yoke.

The practice of this formality has fallen into desuetude in many places, and is only continued in some towns of the interior.

12. Jewish purveyors (butchers, grocers, bakers, &c.) are bound to supply gratis all the requirements of various functionaries, otherwise their trade is cut off.

These exactions have to be suffered equally by Moors.

13. A Jew cannot appoint a Jewish attorney to plead before the Cadi against a Moor. Thus he must either conduct his case in person, or must appoint a Moorish attorney, or suffer his case to pass as undefended. Neither is he allowed to act as the attorney of a Moor.

This is in accordance with the Mahomedan law, and must be submitted to by Christians as well as by Jews. I have never heard a Moor complain that he was unable to employ a Jew as his attorney to plead his case before the Cadi; the disability must be considered an imaginary grievance.

14. Jews are not allowed to follow any of the liberal professions.

This is rather a vague statement regarding a country where it is difficult to define what are the native liberal professions. I believe Jew quack doctors exist in numbers in the interior, and are much resorted to by Moors. Lawyers in this country are expounders of religious laws. An "Alem" would decline to be quoted as an authority on the Mosaic law, and a Rabbi would probably not consider himself aggrieved if told he was ignorant of the niceties of Mahomedan law. The Moorish authorities acknowledge the competence of Rabbis and other Jewish Judges and lawyers in questions between Jews.

15. Jews are disqualified for public offices or employments. Some of the old Sultans did employ Jews as Accountants and Receivers for the Treasury, but in such instances the distinction generally proved fatal to the favoured ones, through the jealousy of the courtiers and the bad faith of the Sultans themselves.

There is no law in existence against Jews being employed by the State. Formerly many Jews were employed as Administrators of Customs and Treasurers, and even in the present day most Ministers and Governors employ Jews as their most confidential counsellors and financial agents. There are Jews at the Sherrefian Court who exercise great influence, though not in a public manner.

16. Jews are required to wear a special costume, consisting of a black skull cap and black shoes, and are not allowed to adopt any attire that might lead others to mistake them for Moors.

This is the case in the towns of the interior.

17. Jews are not allowed to use public baths, and are even denied the use of baths in the Ghetto.

This is the case in the towns of the interior. Christians, too, may not use Moorish public baths in the towns of the interior.

18. As the Mahomedans consider the Jews unclean, the latter are not allowed to drink from the public fountains in Moorish quarters, nor to take water therefrom.

Jews are not allowed to use their hands in drinking water from a public fountain. They are always enabled to do so by Moors, who supply them with a drinking cup.

19. On public occasions, such as a Moorish festival, or a birth, marriage, or death occurring in the family of a public functionary, the Jews are compelled to subscribe among themselves for presents to the functionary, and the same has to be done on Jewish festivals and on the death of any Jewish Notable.

This is a practice to which Moors as well as Jews have to conform. The system of presents to the Government and authorities is a part of the machinery by which the State collects revenue. Death is not an occasion when offerings must be made to the authorities.

20. Not being allowed to carry arms, they are exposed when travelling to robbery and murder, without a chance of defending their persons and property.

I am assured by respectable Jews that their co-religionists in the interior now do, as a rule, carry arms when journeying in the country, and that they very often give a very good account of themselves when attacked by robbers.

21. A Jew's life, if taken by a Moor, is compensated by the payment of a sum equal to 60*l*. The murderer is subject to no other punishment, and is merely imprisoned until the blood-money is paid; and then the authorities abstract a large portion of the compensation, and hand over to the members of the murdered man's family a mere pittance.

The payment of blood-money is allowed by Mahomedan law, and when accepted, whether by Moor or Jew, the murderer is considered absolved. All similar transactions carried out under the auspices of a Moorish authority are apt to be unsatisfactory for the complainant, whether he be Moor or Jew.

22. A Jew's evidence is not admitted in a Court of Justice.

Neither is that of a Christian. This is in accordance with the Mahomedan law.

23. It is in the power of a Moor, by prosecuting a Jew or giving evidence against him, to have him condemned to the severest punishment; whilst if a thousand Jews were prepared to give evidence for the defence, not one of them would be admitted as a witness.

In theory the evidence of a thousand Christians would be equally inefficacious. These grievances cannot be claimed in Mahomedan countries as the special property of Jews. The disability in question applies solely to the Cadi's Court. Before a Basha or other authority all evidence may be tendered.

24. A Jew condemned to imprisonment or to flogging has to pay the fees of all officials engaged in his punishment, and if too poor to pay these exactions he remains in prison, after the completion of his punishment, until they are paid.

A Moor under the same circumstances would have to submit exactly to the same treatment. These exactions stand in lieu of fees. The authorities have no fixed salaries, and depend for remuneration on these contributions.

25. In the prisons and gaols they are not allowed the use of the common rooms, but are invariably confined in "cloaques," or places of that sort.

I believe it is true that when a Jew is sent to prison, which is comparatively a rare occurrence in face of the thousands upon thousands of Moors who are imprisoned, he has to occupy the worst quarters of the prison, though not exactly the "cloaque." In Fez and Mequinez, it appears, Jews and Moors are imprisoned in the same prisons.

26. If a Jew is suspected of immoral intercourse with a Moorish woman (though she be a prostitute), he is liable to imprisonment for an indefinite period, and he may be



flogged to extort from him a confession of his guilt. If he confess, even under torture, or if witnesses establish the charge against him (these being of the Mahomedan faith), death is his punishment.

I do not believe that the Jews of Morocco feel aggrieved at restrictions being placed on their freedom of intercourse with Moorish women. But unfortunately Moorish authorities do occasionally, for the purposes of extortion, accuse Jews of having disregarded the existing restrictions.

27. If Moors choose to assert that a Jew has abjured his faith, he is compelled to become a Moslem; and should he afterwards attempt to conform to the Jewish ritual, he would be liable to be stoned or burned to death.

I have known of cases where dissolute Jews, when drunk or otherwise influenced, have declared themselves true believers, and have subsequently had to abide by their assertion, in accordance with Moslem laws. At the same time, Moors have occasionally against their will to accept and reward a Jew for becoming a Mussulman. Such Jews generally, after benefiting as much as possible by conversion, escape to Algeria and revert to their original faith.

Tangier, March 20, 1888.

(Signed)

W. KIRBY GREEN.

No. 188.

Sir W. K. Green to the Marquis of Salisbury.—(Received March 31.)

(No. 40. Confidential.)

My Lord,

WITH reference to the existing strained relations between the Moorish Government and the United States' Consul here, I have the honour to transmit herewith, for your Lordship's information, the translation of a note received by me from the Maroccan Minister for Foreign Affairs, Cid Enfadl Gharneet, on the 10th instant.

His Excellency informs me in it that the Sultan is sending to Tangier his Secretary, the Feki Cid-el-Arbi-el-Menai, to endeavour to come to an understanding with Mr. Reed Lewis concerning the differences which had arisen between him and the Moorish Commissioner for Foreign Affairs as to the right of the American Consulate to protect sixty Moorish subjects. Cid Enfadl Gharneet also states that the Sultan trusts I and the Italian Representative will use our influence with Mr. Reed Lewis to persuade him to come to a satisfactory arrangement with the Feki.

On the 17th instant, having met the Acting Moorish Commissioner for Foreign Affairs and the Feki Menai by appointment, I commenced to explain to them that the preamble of Cid Enfadl Gharneet's note to me, by which a kind of Court of Inquiry appeared to be called for, was not calculated to bring about the desired understanding with Mr. Reed Lewis, and had therefore better not be alluded to during the discussions which might ensue with him. I was consequently disappointed to learn from them that Mr. Reed Lewis had received a note from Cid Enfadl Gharneet couched almost in the same wording as those addressed to me and the Italian Representative.

Under these circumstances, I informed Cid Mohammed Zagary and the Feki that I should have to let Mr. Reed Lewis know that I had explained to them that I could not accept the part assigned to me by the Moorish Minister for Foreign Affairs, in order that Mr. Reed Lewis should not be driven to resent what he might consider an undue interference of third parties in a matter solely concerning the United States' and the Shereefian Governments.

But I promised Cid Mohammed Zagary and the Feki that when doing this I would avail myself of any opening which Mr. Reed Lewis might afford me for bringing them together, and thus furnishing the Feki with an opportunity for commencing his intercourse with the United States' Consul.

Next day I called on Mr. Reed Lewis, and at once told him that I had done so in order to let him know that I had made Cid Mohammed Zagary and Cid-el-Arbi-el-Menai distinctly understand that the attempt to connect me in a kind of Commission which was to pronounce on the right or not of the United States' Consul to protect a certain number of Moorish subjects was not only injudicious, but also impracticable.

I found Mr. Reed Lewis evidently prepared to repel any overtures on my part to interfere between him and the Moorish authorities, but the manner in which I imme-

diately showed him that I had no such pretension reassured him, and he explained to me that, having referred all the pending questions to Washington, he was obliged to suspend further action until he received instructions thereon from Mr. Bayard.

Later during my visit I casually asked Mr. Reed Lewis as to the correctness of the statement that he declined to furnish the Maroccan Government with a list of the protected Moorish subjects, which should contain full details of the grounds upon which protection was extended to them. Mr. Reed Lewis replied that he declined to furnish anything but a simple list of the names of the protégés, as no other list was stipulated for in the Convention of Madrid. He had, however, each time he had extended American protection to a Moor, informed Hadj Mohammed Torres by separate letter of the fact, and the grounds on which such Moor was entitled to protection.

Hereupon I expressed regret that matters were now out of Mr. Reed Lewis' hands through having been referred to Washington, for otherwise I felt sure that a few mutual explanations between Mr. Reed Lewis and the Sultan's Secretary would have been sufficient to settle this question about the protected subjects.

On Mr. Reed Lewis replying that he had still power to come to an understanding with the Moorish Government, I offered, if he should so wish it, to cause the Feki Cid-el-Arbi-el-Menai to call upon him. In this manner, I understand, three long interviews took place between them, but I regret to state that, though both Mr. Reed Lewis and the Feki appeared to fully share my belief in the necessity of concessions and conciliation from each side, the Feki informed me last night that Mr. Reed Lewis had at last ended by stating to him that he did not feel authorized to modify his claims about the protégés or any other of his demands. The Feki purposed, therefore, starting at once for Mequinez to report to the Sultan his want of success.

At his request, I have furnished him with a reply to Cid Enfadl Gharneet's note to me, of which the inclosed is a translation.

In giving this letter to the Feki I explained to him verbally that I am of opinion that, if the Sultan will order the Basha of Tangier to at once apologize in due form to Mr. Reed Lewis for having submitted a complaint against him to the consideration of the foreign Representatives here, the most aggravating feature of the disagreements with the United States' Consul will be removed, and thus put upon a less important footing the remainder of the questions.

Owing to the expected and subsequent arrival of the new Italian Minister, Signor Cantagalli, no direct Italian co-operation could be expected by the Commissioner for Foreign Affairs and the Feki, but both Signor Maissa and Signor Cantagalli were fully informed by me of what had passed and was passing, and both of them strongly urged conciliation on all sides.

In conclusion, I must add that most of my colleagues with whom I have spoken on the pending American questions concerning the protection of Moorish subjects consider that Mr. Reed Lewis is not justified in refusing to furnish the Maroccan Government with full particulars as to the grounds upon which each separate Moorish subject has been granted American protection; also that the raising of questions about protection at a time when a Conference on the foreign protection of natives is on the point of meeting has been most injudicious and inopportune, either on the part of Mr. Reed Lewis or the Moorish Government, for each declines to admit having initiated the questions.

I have, &c.

(Signed)

W. KIRBY GREEN.

Inclosure 1 in No. 188.

Cid Enfadl Gharneet to Sir W. K. Green.

(Translation.)

(After usual compliments.)

A MISUNDERSTANDING having arisen between the American Representative and the Sultan's officers, Hadj Mohammed Torres and his *forum tenens* Hadj Mohammed Zagary, as to the American Representative's right to protect sixty natives of this country, which right does not exist according to Treaty, the Sultan has sent his Secretary, the Feki Cid-el-Arbi-el-Menai, to Tangier with orders to obtain from the American Representative a list of the persons whom he is protecting, stating the grounds of their protection and the description of the people who employ them, and to examine this list with reference to the Treaty (of Madrid) in conjunction with you, the Italian Representative, Hadj Mohammed Torres, and the Administrators of Customs at the port of

Tangier, and that only those be recognized as protected persons whose protection is found to be agreeable to the provisions of the Treaty.

His Majesty has given orders in this sense to the said officials, and has commanded Hadj Mohammed Torres to obtain a copy of the list of those whose protection is found valid, and to send it to him, in order that he may give the requisite instructions to their Governors. A list of those whose protection has not been approved will also be sent to His Majesty, in order that the Government may know them.

The Sultan has ordered me to write to you, Oh friend, requesting you to speak to the American Consul and show him how he may settle this question in an equitable manner, and recommend him to furnish the above-named Secretary with a list of the names of those whom he claims to protect, stating the reasons of their protection and the description of their employers; also to meet together with the persons above specified, to examine this list in the light of the Treaty, so that those whose protection is agreeable with its provisions may be recognized, but not so the others, and that you thus put an end to the misunderstanding existing between the American Representative and the two Representatives of the Sultan.

This request is based on what the Sultan knows of your friendship and sincerity, proceeding from the amity of your Government. We trust, Oh friend, that you will justify our expectations of you in this matter, and that you will carry it through to a satisfactory conclusion.

Peace.

Finished the 12th Jumadi II, 1305 (25th February, 1888).

(Signed)

MOHAMMED EL MAFADDAL BEN  
MOHAMMED GHARNEET.

Inclosure 2 in No. 188.

*Sir W. K. Green to Cid Enfadl Gharneet.*

(Translation.)

(After compliments.)

*Tangier, March 23, 1888.*

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 12th Jumadi II (25th February, 1888), delivered to me on the 16th instant by the learned Feki Cid-el-Arbi-el-Menjai. Though it was not possible for me to join Hadj Mohammed Torres, the Tangier Administrators of Customs, and my Italian colleague in forming a kind of Court of Inquiry into the asserted rights of the American Consul to protect the Moorish subjects named in his list, still, being on terms of friendship with Mr. Reed Lewis, I was able to bring about a meeting between him and the aforesaid learned Feki, having previously counselled to both the exercise of the greatest conciliation practicable under the circumstances. It has grieved me to learn that the American Consul has not considered himself able to discuss matters fully with the Feki, owing to his having already referred the pending questions to the consideration of the United States' Government. I believe the Feki Cid-el-Arbi-el-Menjai is conveying to the Sultan exact particulars of the demands of the American Consul. I do not know what they all are, but I have expressed to the Feki my opinion regarding the one which I believe is the most important, and which I advise should be settled without hesitation. By following such a course I think the less important affairs can be settled with leisure and after mature examination.

It has afforded me great pleasure and satisfaction to make the acquaintance of the Feki-el-Arbi-el-Menjai, who is evidently a man worthy of the confidence of the Sultan.

Peace.

(Signed)

W. KIRBY GREEN.

No. 180.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 31.)*

(No. 41. Confidential.)

My Lord,

*Tangier, March 24, 1888.*

THE inclosed translation of a leading article in yesterday's issue of the Tangier newspaper "El Eco Mauritano" gives a very fair idea of the manner in which the European community here has received the proposals contained in the Memorial to your Lordship concerning the reforms to be introduced into Morocco through the instrumen-

ality of the approaching Madrid Conference, which it is alleged is now in the course of signature by merchants and bankers in London.

I notice that Mr. William Harvie, the person who forwarded to your Lordship six blank copies of the Memorial in question (see No. 113), is the Secretary of "The Morocco Exchange and Publishing Company (Limited); capital, 60,000l., in 12,000 shares of 5l. each."

The purposes for which this Company has been formed are fully stated in the prospectus, but the one which has especially attracted my attention is thus explained:—

"To acquire, continue, and extend the printing and publishing business of Messrs. E. E. Meakin and Co., now carried on by them at Tangier."

A contract, it is asserted, has already been entered into for the purchase of this business—a business which I have been repeatedly assured by Mr. Meakin's son can only be looked upon as a philanthropic undertaking, and is a dead loss to all concerned in it.

The Memorial to your Lordship has been, I believe, published principally for the purpose of inducing confiding people to become shareholders in a Company which it is intended shall relieve Mr. Meakin, at a considerable price, of his printing plant and unremunerative newspaper, the "Times of Morocco."

I have, &c.

(Signed)

W. KIRBY GREEN.

Inclosure in No. 180.

*Extract from "El Eco Mauritano" of March 23, 1888.*

(Translation.)

ENGLAND AND MOROCCO.—CONFERENCES.

ACCORDING to what we observe, the idea of the Conference, which we had believed to be *hors de combat*, is commencing to burst out anew in political centres, and, chiefly during these past days, in England, where on this matter there have been questions asked in Parliament, and where, in another direction, to judge from what has been published by some of our local colleagues, there has been launched what we may call a collection of proposals which, in the major part, it would be impossible to see realized in this country.

These proposals, according to the "Times of Morocco," are to be presented shortly to Her Britannic Majesty's Under-Secretary of State, signed by all the merchants and bankers in London.

The perusal of this Memorial, which our simple-minded colleague the "Times of Morocco" reproduces, can only cause hilarity in all those who have an exact knowledge of the exceptional conditions of Morocco, for in the said Memorial there is the pretension to accomplish in one moment what would be the work of entire centuries.

We are among the first to admit where nothing exists everything is wanted, but has it not occurred to the authors of the famous document which is to be submitted to the approval of Lord Salisbury that in Morocco, like in all uncultivated countries, reforms, in order that they may live and have a long life, must be established gradually, and step by step as the state of education of those countries may demand? Or, by chance, is the work of reforming Morocco and levelling it up to European ideas a mere nothing?

Surely, and though our colleague "Le Réveil" draws the public's attention to the senseless proposals of the Memorial in question, we are right in holding that the common sense of that great country England understands at this time of day that Morocco, owing to its state of civilization, is not prepared to receive this shower of reforms which is asked for by those whom our subscribers and the public in general know as the grotesque redeemers of Morocco.

Furthermore, we think and are under the full conviction that the Cabinet of St. James', though apparently to-day the partizan of the Conference on Morocco, is far from adopting absurd proposals, and will only endeavour to bring under discussion such matters as are called for by the Morocco of to-day and not the Morocco of to-morrow.

This same conviction leads us to believe in the same manner that the answer given by Lord Salisbury that the Conference would take into consideration the strange proposals for exacting from the Sultan a general transformation in the actual state of Morocco was nothing more than one of those evasive answers of which diplomacy has so many handy for the importunate.

It is thus that we believe that England, which is a Power which has great interests



in this country, knows, without need of listening to the new preachers of politics, the extent of reforms of which Morocco is at present susceptible.

We also understand that Great Britain has in Morocco Representatives of admitted ability and tact, and that with regard to an affair of the importance of the Conference communications cannot have but passed between the British Government and its Representative as to the standing which England should take in the Conference, and as to the proposals which should be presented at or accepted from the Board.

From the moment that the project of a Conference became known in England the most trustworthy organs of the English press let it be seen that Her Britannic Majesty's Government was disposed to cause to be respected the rights of the Sultan, as well as to require from him guarantees for commerce.

This, then, it may be believed, will be the conduct of Great Britain, and not that of standing godfather of proposals so beyond the reach of the Sherceefan Empire as are those contained in the Memorial which has recently been revealed to us through the "Times of Morocco" and "Le Réveil du Maroc."

## No. 190.

*Sir W. K. Green to the Marquis of Salisbury.—(Received March 31.)*

(No. 42.)

My Lord,

*Tangier, March 24, 1888.*

I HAVE the honour to report, for your Lordship's information, that Señor Diosdado, the Spanish Minister, left this on the 20th instant, stating to me that he was proceeding to Seville on strictly private business, and that he did not purpose proceeding to Madrid. I presume, however, that on arrival at Seville he was summoned to the capital, as I learn that news has arrived here of his now being there. It is further stated that Señor Diosdado has gone to Madrid to make known to Señor Moret the wish of the Sultan for the mediation of the Spanish Government in the existing misunderstanding with the United States' Consul. But I believe the report requires confirmation.

I have, &c.

(Signed) W. KIRBY GREEN.

## No. 191.

*The Marquis of Salisbury to Sir Clare Ford.*

(No. 4.)

(Telegraphic.)

*Foreign Office, March 31, 1888.*

ITALIAN Government have inquired views of Her Majesty's Government as to representation of Turkey on Morocco Conference.

I have replied that, if Italy persists in objecting, we should probably follow her; but that Her Majesty's Government think the exclusion of Turkey from a Conference in which a large Moslem Power is concerned would inflict on the Sultan as Caliph a gratuitous mortification, in a matter on which he is exceptionally sensitive, without corresponding advantage, and that we had better leave other Powers to come forward in the matter.

## No. 192.

*The Marquis of Salisbury to Sir Clare Ford.*

(No. 50. Ext. 4.)

Sir,

*Foreign Office, March 31, 1888.*

I HAVE to inform you that the Italian Government have inquired through the Italian Chargé d'Affaires at this Court what view was taken by Her Majesty's Government on the question of the representation of the Porte on the Morocco Conference at Madrid.

I stated to M. Catalani that if the Italian Government persisted in their objection to the participation of Turkey in the Conference Her Majesty's Government would probably follow them; but, at the same time, I remarked that Her Majesty's Government are of opinion that the exclusion of Turkey from a Conference in which a large Moslem Power is concerned would be to inflict upon the Sultan, as Caliph, a gratuitous

mortification in a matter on which he is exceptionally sensitive, without any corresponding advantage; and I added that I considered that it would therefore be better to leave other Powers to come forward in this matter.

The substance of the above was forwarded to you this day by telegraph.

I am, &c.  
(Signed) SALISBURY.

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